Exhibit 2

Page 1

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

PRESIDIO COMPONENTS, INC.,

Plaintiff,

v.

Cause No.

3:07-CV-0893 IEG NLS

AMERICAN TECHNICAL CERAMICS

CORP.,

Defendant.

DEPOSITION OF EDWARD GODSHALK, PhD.

Taken on behalf of Defendant

* * *

Oregon Rules of Civil Procedure, the deposition of Edward Godshalk, PhD. was taken before Marcia May, an Oregon Certified Shorthand Reporter, on Monday, March 17, 2008, commencing at the hour of 9:28 a.m., in the law offices of Stoel Rives, 900 SW Fifth Avenue, Portland, Oregon.

LNS COURT REPORTING (503) 299-6200 ** (800) 366-6201

	Page 2		Page 4
1	APPEARANCES:	09:29:10 1	A. Management, yes. And technical.
2		09:29:13 2	Q. Management. And do you appear here today on
3	WOOD, HERRON & EVANS	09:29:19 3	behalf of Maxim?
4	BY MR. BRETT SCHATZ	09:29:20 4	A. No.
5	BY MR. GREGORY AHRENS	09:29:21 5	Q. Do you appear here with the permission of
6	Carew Tower, Suite 2700	09:29:24 6	Maxim?
7	441 Vine Street	09:29:24 7	A. Yes. The president of Maxim gave me his
8	Cincinnatti, OH 45202	09:29:28 8	permission.
9	Attorney for Plaintiff	09:29:28 9	Q. And did you discuss your involvement in this
10	,	09:29:3010	case with Mr. Yamaguchi?
11	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PO	09:29:3311	A. No.
12	BY TIMUR E. SLONIM	09:29:3512	Q. And when you said the president, who is that?
13	BY PETER F. SNELL	09:29:3813	A. Vijay Ullal.
14	Chrysler Center	09:29:4014	Q. You discussed with Mr is that Mr. Ulall?
15	666 Third Avenue	09:29:4415	A. Yes.
16	New York, NY 10017	09:29:4416	Q. And you discussed with him your involvement in
17	Attorney for Defendant	09:29:4617	this case?
18	•	09:29:4618	A. Yes.
19	* * *	09:29:4719	Q. And in particular with this deposition?
20		09:29:4820	A. I didn't say deposition exactly.
21		09:29:5721	Q. How many times have you discussed this case
22		09:29:5822	with Mr. Vijay Ulall?
23		09:30:0023	A. Once by e-mail, once verbally.
24		09:30:0324	Q. And does that e-mail still exist?
25		09:30:0725	A. Yes.
	Page 3		Page 5
1	EDWARD GODSHALK, PhD.	09:30:08 1	Q. We'd like to have that e-mail produced.
2	having first been sworn by the Reporter to tell the truth	09:30:12 2	A. Okay.
3	testified under oath as follows:	09:30:14 3	MR. SCHATZ: We'll take it under advisement.
4		09:30:16 4	Q. BY MR. SLONIM: And the second time you
5	EXAMINATION	09:30:18 5	discussed this case with Mr. Ullal, was it in person?
6	BY MR. SLONIM:	09:30:27 6	A. Yes.
09:28:27 7	Q. Good morning, Dr. Godshalk.	09:30:27 7	Q. Approximately when?
09:28:29 8	A. Good morning.	09:30:28 8	A. It was in Sunnyvale, for a meeting. It was
09:28:29 9	Q. Would you please state your name for the	09:30:34 9	late January or early February, I'm sorry, I don't remember
09:28:3210	record.	09:30:3610	the exact date. If I had my Daytimer, I could look in
09:28:3211	A. Edward Martin Godshalk.	09:30:4111	there if you want.
09:28:3512	Q. And where are you presently employed?	09:30:4212	Q. I would appreciate that.
09:28:3713	A. Maxim Integrated Products.	09:30:4313	A. Okay. At a break, would that be appropriate?
09:28:3914	Q. And what position do you hold with Maxim	09:30:4614	Q. Absolutely.
09:28:4415	Integrated?	09:30:4715	(INFORMATION-TO-PRODUCE)
09:28:4416	A. I'm a director of technology research and	09:30:4716	Q. And for how long was that? So both of you
09:28:5017	development.	09:30:5017	were in Sunnyvale?
09:28:5018	Q. Is that an equivalent of director of R & D?	09:30:5218	A. Yes.
09:28:5419	A. Yeah.	09:30:5219	Q. And you met in person?
09:28:5420	Q. And who do you report to at Maxim?	09:30:5420	A. I was riding with him in his car.
09:28:5821	A. I report to Ted Yamaguchi.	09:30:5721	Q. And how long have you discussed this case with
09:29:0122	Q. And what's his position?	09:31:0022	Mr. Ullal
09:29:0223	A. Executive director.	09:31:0323	A. Oh
09:29:0324	Q. Is he a part of the management of Maxim	09:31:0524	Q while you were riding.
09:29:0925	Integrated?	09:31:0825	A. It was under a minute.

2 (Pages 2 to 5)

	Page 6		Page 8
00 21 10 1		00 22 10 1	
09:31:10 1	Q. A brief discussion?	09:33:19 1	Q. Absolutely. But as you sit here today now,
09:31:11 2	A. Yeah. I just thanked him for allowing me to	09:33:21 2	that's the first non Maxim related consulting project
09:31:14 3	participate in it.	09:33:26 3	you've undertaken?
09:31:15 4	Q. Does Maxim have a stake in the outcome of this	09:33:27 4	A. That is correct.
09:31:18 5	case?	09:33:32 5	Q. I see.
09:31:18 6	A. Absolutely none.	09:33:32 6	MR. SLONIM: I'm sorry, can we need a
09:31:20 7	Q. Does Maxim sell multi-layer ceramic	7	five-minute break? (A recess was taken from 9:33 a.m. to 9:39
09:31:25 8	capacitors?	8 09:39:23 9	·
09:31:25 9 09:31:2610	A. No. Q. And Maxim doesn't make any multi-layer ceramic		a.m.)
	capacitors?	09:39:2310	Q. BY MR. SLONIM: And your work for conferences
09:31:3211	A. We do not make them.	09:39:2711	and professional societies, you don't consider that to be consulting?
		09:39:3012	č
09:31:3413	Q. Do you consider Presidio Components to be a competitor of Maxim Integrated?	09:39:3013	A. No; I don't get paid for it.
09:31:5014		09:39:3314	Q. So consulting is a paid engagement, in your view?
09:31:5415 09:31:5616	A. No.	09:39:3915	A. That's how I interpret it as.
09:31:5616	Q. Not in any sense of the word? A. Absolutely none.	09:39:4016	Q. Okay.
09:31:5817	Q. Do you sell completely different products?	09:39:4217	A. I do remember, I taught a course at George Fox
09:31:3918	A. Correct.	09:39:4316	University, also. I don't know if
09:32:0119	Q. To different customers?	09:39:4919	Q. You were compensated for that?
09:32:0220	A. Correct. There's no overlap.	09:39:5321	A. Yes.
09:32:0822	Q. Do you consider Maxim to be a competitor to	09:39:5422	O. What kind of course was that?
09:32:1123	American Technical Ceramics?	09:39:5523	A. Microwaves.
09:32:1123	A. Absolutely not.	09:39:5724	Q. And that's a university here in Portland,
09:32:1324	Q. To ABS?	09:40:0125	•
	Page 7		Page 9
09:32:17 1	A. No.	09:40:01 1	A. In Newberg.
09:32:17 2	Q. Kyocera?	09:40:02 2	Q. And how long ago was that?
09:32:20 3	A. No.	09:40:06 3	A. Last year.
09:32:21 4	Q. And your job at Maxim Integrated, is that a	09:40:06 4	Q. Do you teach anywhere presently, any courses?A. No.
09:32:28 5	full-time job? A. Yes.	09:40:17 5	
09:32:28 6	Q. Do you have any second jobs?	09:40:17 6	Q. And you were considered to be adjunct faculty or lecturer at that university?
09:32:29 7 09:32:30 8	A. No.	09:40:24 7	A. No, just a part time.
09:32:30 8	Q. In addition to working full time for Maxim, do		Q. Part-time lecturer, teacher?
09:32:3710	you consult on non Maxim projects?	09:40:3310	A. (Nodding head.)
09:32:3710	A. No. This is the first time that I've done	09:40:3310	Q. And what is your rate of compensation for your
09:32:4312	something outside of Maxim.	09:40:3612	work on this case?
09:32:4413	Q. First time for what period of time? Since you	09:40:3713	A. \$250 an hour while I'm sitting in here with
09:32:5114	started at Maxim?	09:40:4214	
09:32:5215	A. Yes.	09:40:4215	Q. And does it change for other tasks that you're
09:32:5316	Q. And it was approximately '97, is that	09:40:4616	performing?
09:32:5817	A. Correct.	09:40:4817	A. Correct. It drops to \$200 an hour.
09:33:0118	Q. So since '97 until the present, your only	09:40:5018	Q. From non deposition related
09:33:0419	outside consulting was on this case; is that right?	09:40:5419	A. Correct.
09:33:0920	A. To the best of my recollection, yes.	09:40:5420	Q. And would it be the same \$250 for testimony in
09:33:1121	Q. Okay.	09:40:5821	court?
09:33:1322	A. You know, if I remember something else, I'll	09:40:5822	A. That is my understanding.
09:33:1623	certainly tell you.	09:41:0023	Q. Do you have a written engagement agreement or
09:33:1624	Q. Absolutely.	09:41:1124	letter about your engagement in this case?
09:33:1725	A. I'm trying to be truthful.	09:41:1525	A. There was a brief letter outlining the amount

3 (Pages 6 to 9)

99:41:19 1 Novuld be paid.				
93 41 20 2 Q. And sproximately when did you receive that 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 3 A. It was a phone call. It don't remember if it 93 44 23 5 C. Q. So on or about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on or about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on or about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on or about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on or about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on or about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on or about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on a about Insurary 8th you were retained or emaged as the consultant for this case? 94 44 55 G. Q. So on a about Insurary 8th you were retained or emaged as the consultant of the best of your ability 4 94 94 94 94 94 94 94		Page 10		Page 12
9.9 4.1 2.2 3	09:41:19 1	I would be paid.	09:44:18 1	Q. And was the first contact by e-mail or do you
99.441.26 4 0. And approximately when did you receive that 99.441.28 5 0. 9. Soon or about January 8th, there about. 99.441.28 6 0. A. I think it was January 8th, there about. 99.441.58 7 0. A. Okay, Bear with me a minute while go frompt between the mumbers. 99.441.56 7 0. A. That is correct. 0. A. A what was the specific purpose for which of social purpose for your ability. 99.441.56 7 0. BY MR SCHATZ: Fli just caution you not to 99.442.1931 0. BY MR SCHATZ (and gain, I'll caution you not of social purpose for which you were retained in this case? 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0. Set that correct. 0. And what was the specific purpose for which you were retained in this case? 0. Set that correct. 0.	09:41:20 2	Q. And who wrote that letter?	09:44:23 2	remember?
	09:41:22 3	A. Brett Schatz.	09:44:23 3	A. It was a phone call. I don't remember if it
99 141 128 6	09:41:26 4	Q. And approximately when did you receive that	09:44:31 4	was phone or e-mail first, I'm sorry.
9.9.41.33	09:41:28 5	letter?	09:44:33 5	Q. So on or about January 8th you were retained
9.941.46 8 8thon working on this case, prior to roday? 9.144.156 8 Q. Is that correct? 9.944.1561 9.944.15	09:41:28 6	A. I think it was January 8th, there about.	09:44:53 6	or engaged as the consultant for this case?
99.441:5812 MR. SCHATZ: Ill just caution you not to 99.441:58 So A. That is correct. Q. And what was the specific purpose for which O9.441:5812 Speculate, but you can give a reasonable estimate. The best of your ability. O9.422:0514 O9.422:0514 O9.423:0514 O9.422:0514 O9.422:0514 O9.423:0514 O9.422:0514 O	09:41:33 7	Q. And how much time have you spent since January	09:44:56 7	A. Yes.
09:41:5310 MR. SCHATZ: TIl just caution you not to 09:45:5041 you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in this case? of the specific purpose for which you were retained in of the specific purpose for which you were retained of this of the specific purpose for which you were retained of this o	09:41:46 8	8th on working on this case, prior to today?	09:44:56 8	Q. Is that correct?
99:41:5611 MR. SCHATZ: Ill just caution you not to 99:45:0411 you were retained in this case? you are accomable estimate. You can give a reasonable estimate to the best of your ability. 99:42:0514 you were retained in this case? you are accomable estimate to the best of your ability. you destimate, as of today, right around 60 99:45:10514 you were retained with 2014 you were retained of oiselose any communications with Coursed. THE WITNESS: Cokay. To the best of my of 142:1031 you were retained of oiselose any communications with Coursed. O9:45:10514 O	09:41:48 9	A. Okay. Bear with me a minute while go through	09:44:56 9	A. That is correct.
09:41:5312 Speculate, but you can give a reasonable estimate. You can give a reasonable estimate to the best of your ability. 09:45:5121 09:42:0715 09:42:0715 09:42:1317 09:42:1317 09:42:2318 09:42:3317 09:42:3310 09:45:52318 09:42:3310 09:45:52318 09:45:52318 09:45:53231 09:45	09:41:5310	the numbers.	09:44:5710	Q. And what was the specific purpose for which
09:42:0213 19 19 19 19 19 19 19	09:41:5611			you were retained in this case?
Section 12 Section 13 Section 14 Section 14 Section 15 Sec	09:41:5812	speculate, but you can give a reasonable estimate. You can	09:45:0812	MR. SCHATZ: And again, I'll caution you not
09:42:0715 ability, I would estimate, as of today, right around 60 09:45:1615 O. BY MR. SLONIM: Sure. O. 91:45:1916 O. BY MR. SLONIM: And do you share any of the O9:45:21218 carriags from this case with Maxim Integrated? O9:45:2218 O9:45:2210 O. These would be your personal carning? O9:45:3310 O9:45:3321 O9:45:3321 O9:45:3322 O9:45:4022 O9:45:402	09:42:0213	give a reasonable estimate to the best of your ability.	09:45:1013	to disclose any communications with Counsel.
99.42.1316 Ours. O. BY MR. SLONIM: And do you share any of the 99.42.1317 O. BY MR. SLONIM: And do you share any of the 99.42.1317 O. By MR. SLONIM: And do you share any of the 99.42.1319 A. No. O. These would be your personal earning? O. 145.1312 O. These would be your personal earning? O. 4. No. O. 4.45.1312 O. These would be your personal earning? O. 4. No. O. 4.45.1312 O. A. A. No. O. 4.45.1312 O. A. A. O. O. And you've never testified in a deposition O. 4.45.1312 O. A. O. O. And you've never testified in court prior to today? O. And you've never testified in court prior to today? O. And you've never testified in court prior to today? O. 4.45.1312 O. A. O. Correct. O. How did your engagement in this case come about? O. How did your engagement in this case come about? O. How did your engagement in this case come about? O. How did your engagement in this case come about? O. 4.45.1311 O. 4.45.131	09:42:0514	THE WITNESS: Okay. To the best of my	09:45:1514	THE WITNESS: Could you please repeat that?
09:42:1317 Q. BY MR. SLONIM: And do you share any of the 9:42:2818 carnings from this case with Maxim Integrated? 09:45:2217 case? case? case? case? A. No. 09:45:2312 case? A. Specifically, I was to review the '356 patent, 15' first to make sure that I agreed with its soundness, and once I did, to review much of the material provided by you operated by you operated with the soundness, and once I did, to review much of the material provided by you operated with the soundness, and once I did, to review much of the material provided by you operated with the soundness, and once I did, to review much of the material provided by you operated with the soundness, and once I did, to review much of the material provided by you operated with the soundness, and once I did, to review much of the material provided by you operated with the soundness, and once I did, to review much of the material provided by you operated with its soundness, and once I did, to review much of the material provided by you operate way to op: 45:224 cap. A. A Specifically, I was to review the '356 patent, 15' first to make sure that I agreed with its soundness, and once I did, to review much of the material provided by you op: 45:2322 cap. A. A physical provided by you operate with the soundness, and once I did, to review much of the material provided by ATC or ATC's counsel? Q. And what was the purpose of the review of the material provided by ATC or ATC's counsel? Q. And what was the purpose of the review of the material provided by aTC or ATC's counsel? MR. SCHATZ: Objection, asked and answered. Bage 13 09:43:01 1	09:42:0715	ability, I would estimate, as of today, right around 60	09:45:1615	Q. BY MR. SLONIM: Sure.
09:42:2818 earnings from this case with Maxim Integrated? 09:45:2518 case? acse? A. Specifically, I was to review the '356 patent, 09:45:2619 A. Specifically, I was to review the '356 patent, 09:45:2619 A. Specifically, I was to review the '356 patent, 09:45:2619 A. Specifically, I was to review the '356 patent, 09:45:2619 first to make sure that I agreed with its soundness, and once I did, to review much of the material provided by you op:45:3921 once I did, to review much of the material provided by you op:45:4622 Q. Anything else? Q. Anything else? Q. Anything else? Q. Anything else? Q. And what was the purpose of the review of the material provided by ATC or ATC's course!? Page 13 Page 14 Page 14 Page 14	09:42:1316	hours.	09:45:1916	What were the specific tasks for which you
09:42:3119 A. No. 09:45:2619 A. Specifically, I was to review the '356 patent, '09:45:3320' 09:42:3120 Q. These would be your personal earning? 09:45:3320' first to make sure that I agreed with its soundness, and once I did, to review much of the material provided by you once you with the soundness, and once I did, to review much of the material provided by you. A.	09:42:1317	Q. BY MR. SLONIM: And do you share any of the	09:45:2217	were engaged, which you were engaged to perform in this
09:42:3120 Q. These would be your personal earning? 09:45:3320 first to make sure that I agreed with its soundness, and one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by you one? I did, to review much of the material provided by ATC or ATC's counse? 09:42:5923 any other case? 09:45:4723 A. Appear as an expert witness as necessary. 09:43:010 1 A. No. O. And you've never testified in a deposition 09:46:052 G. And what was the purpose of the review of the material provided by ATC or ATC's counsel? 09:43:06 1 prior to today? A. Correct. 09:46:06 2 He said he came to testify as an expert witness. 09:43:11 4 today? O. And you've never testified in court prior to today? 09:46:10 2 He said he came to testify as an expert witness. 09:43:25 8 M. Correct. 09:46:11 6 O. How did your engagement in this case come about? 09:46:12 6 O. And you've never wof the wastalled upon to to day? <	09:42:2818	earnings from this case with Maxim Integrated?	09:45:2518	case?
09:42:3621 A. (Nodding head.) 09:45:3921 once I did, to review much of the material provided by you oper serving any other case? Q. And have you ever been an expert witness in any other case? 09:45:4723 A. Appear as an expert witness as necessary. Q. And what was the purpose of the review of t	09:42:3119	A. No.	09:45:2619	A. Specifically, I was to review the '356 patent,
09:42:3722 Q. And have you ever been an expert witness in 09:45:46:22 Q. Anything else? 09:42:5923 any other case? 09:45:47:23 A. Appear as an expert witness an ecessary. 09:43:0125 Q. And you've never testified in a deposition 09:45:5925 M. And what was the purpose of the review of the material provided by ATC or ATC's counsel? 09:43:06 1 prior to today? 09:46:05 1 MR. SCHATZ: Objection, asked and answered. 09:43:07 2 A. Correct. 09:46:06 2 He said he came to testify as an expert witness. 09:43:11 4 today? 09:46:10 3 A. Okay. Could you please repeat it then? 09:43:12 6 Q. How did your engagement in this case come about? 09:46:11 4 O. Absolutely. 09:43:27 7 about? 09:46:12 5 What was the purpose of your review of the material provided by us, ATC or ATC's counsel? 09:43:27 7 about? 09:46:13 5 What was the purpose of your review of the material provided by us, ATC or ATC's counsel? 09:43:27 7 about? 09:46:15 6 What was the purpose of your review of the material provided by us, ATC or ATC's counsel? 09:43:27 10 disclose any communications with Counsel. 09:46:12 5 The witness testified he was called upon t	09:42:3120	Q. These would be your personal earning?	09:45:3320	first to make sure that I agreed with its soundness, and
09:42:5923 any other case? 09:45:4723 A. Appear as an expert witness as necessary. 09:43:0124 A. No. 09:45:5224 Q. And what was the purpose of the review of the material provided by ATC or ATC's counsel? Page 11 Page 13 MR. SCHATZ: Objection, asked and answered. 09:43:06 1 prior to today? 09:46:06 2 MR. SCHATZ: Objection, asked and answered. 09:43:10 2 A. Correct. 09:46:06 2 He said he came to testify as an expert witness. 09:43:11 5 A. Correct. 09:46:11 4 A. Okay. Could you please repeat it then? 09:43:25 7 Q. Hand what was the purpose of your review of the material provided by us, ATC or ATC's counsel? 09:43:27 9 about? 09:46:11 5 Q. Absolutely. 09:43:27 9 MR. SCHATZ: And I'll just caution you not to disclose any communications with Counsel. 09:46:12 5 MR. SCHATZ: Objection, asked and answered. 09:43:3410 THE WITNESS: Hm, then I'm not sure how to answer that? 09:46:32 8 MR. SCHATZ: Objection, asked and answered. 09:43:4415 Q. BY MR. SLONIM: Do you understand the question? 09:46:30 12 A. I may answer that? Okay. 09:43:3410 <td>09:42:3621</td> <td>A. (Nodding head.)</td> <td>09:45:3921</td> <td>once I did, to review much of the material provided by you</td>	09:42:3621	A. (Nodding head.)	09:45:3921	once I did, to review much of the material provided by you
O9:43:0124 A. No. O9:45:5224 Q. And what was the purpose of the review of the o9:43:0125 Q. And you've never testified in a deposition O9:45:5925 material provided by ATC or ATC's counsel?	09:42:3722	Q. And have you ever been an expert witness in	09:45:4622	Q. Anything else?
Page 11	09:42:5923	any other case?	09:45:4723	A. Appear as an expert witness as necessary.
Page 11 Page 12 Page 13 Page	09:43:0124	A. No.	09:45:5224	Q. And what was the purpose of the review of the
09:43:06 1 prior to today? 09:46:05 1 MR. SCHATZ: Objection, asked and answered. 09:43:07 2 A. Correct. 09:46:06 2 He said he came to testify as an expert witness. 09:43:08 3 Q. And you've never testified in court prior to today? 09:46:08 3 Q. BY MR. SLONIM: You may answer. 09:43:11 4 today? 09:46:11 4 A. Okay. Could you please repeat it then? 09:43:12 6 Q. How did your engagement in this case come op:43:25 7 about? 09:46:13 5 What was the purpose of your review of the material provided by us, ATC or ATC's counsel? 09:43:27 9 disclose any communications with Counsel. 09:46:25 9 The witness testified he was called upon to 09:43:3410 THE WITNESS: Hm, then I'm not sure how to op:43:34012 09:46:27 10 become an expert witness in this matter. 09:43:4012 Q. BY MR. SLONIM: Do you understand the op:43:3414 09:47:1514 MR. SCHATZ: Til just caution you not to 09:43:4013 A. You're asking how did I become engaged? 09:47:1514 MR. SCHATZ: Til just caution you not to 09:43:4012 A. Iwas contacted by these gentlemen. 09:47:215 MR. SCHATZ: Til just caution you not to 09:44:0018 Q. Who first contacted you? <td< td=""><td>09:43:0125</td><td>Q. And you've never testified in a deposition</td><td>09:45:5925</td><td>material provided by ATC or ATC's counsel?</td></td<>	09:43:0125	Q. And you've never testified in a deposition	09:45:5925	material provided by ATC or ATC's counsel?
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09:48:03 1 A. Yes.	09:51:17	and you testified that you've reviewed the '356 patent
09:48:03 2 Q. And you understand them to be pa		
09:48:09 3 preliminary and validity contentions?	09:51:21	A. Mm-hm (affirmative response).
09:48:15 4 A. I'm not sure about that.	09:51:22	_
09:48:17 5 Q. In addition to the references thems	selves, were 09:51:26	
09:48:24 6 you given any ATC prepared documents ref	I	
09:48:32 7 A. Yes.	09:51:29	_
09:48:32 8 Q. And do you understand that one of		
09:48:37 9 documents, I guess, to be ATC's preliminar	I	-
09:48:4210 contentions?	09:51:351	
09:48:4311 MR. SCHATZ: Objection, asked a		
09:48:4612 Q. BY MR. SLONIM: You may ans		-
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09:49:0314 purpose was to officially list these reference		1 1
09:49:0715 could be called upon at a later date. I didn't		
09:49:1016 applies to this, though.	09:51:511	
09:49:1117 Q. And what was the purpose of your		
09:49:1418 those references?	09:51:531	
09:49:1619 MR. SCHATZ: Objection, asked a		
09:49:1720 once. The witness already said to provide e		
09:49:2021 testimony.	09:52:022	
09:49:2122 Q. BY MR. SLONIM: You may ans		·
09:49:2323 A. Yeah, as Brett said, to prepare myst		
09:49:2924 expert witness.	09:52:132	2
09:49:3025 Q. And what would be the expert opin		-
	Page 15	Page 17
09:49:36 1 were preparing to offer based on those 46 a	_	
09:49:41 2 references?	09:52:32	A. I've been reading them consistently since I
09:49:42 3 A. That the '356 patent is a very solid	l and novel 09:52:38	-
09:49:50 4 patent.	09:52:38	Q. Do you mean you've read them more than once?
09:49:53 5 Q. So you were preparing a validity -	- 09:52:40 !	5 A. Some.
09:50:00 6 A. Well, I think is this appropriate,	because 09:52:40	Q. Which ones did you read more than once?
09:50:03 7 I thought we were here discuss the claims to	oday versus 09:52:42	-
09:50:09 8 are we heading in the right direction here?	09:52:44	Q. If I were to show you certain references,
09:50:13 9 Q. I think we're here at the point whe	re you are 09:52:50	would you be able to tell me if you read a particular
09:50:1810 engaged, and I'm trying to understand what	materials you 09:52:521	0 reference more than once?
09:50:2111 received and what were the tasks you were	asked to engage 09:52:531	1 A. I think so.
09:50:2512 in this case?	09:52:581	Q. And did you reach a conclusion whether the
09:50:2513 MR. SCHATZ: Well, I think it's a	fair 09:53:031	
09:50:2714 comment. I'll just note my objection. The	witness 09:53:071	4 MR. SCHATZ: Objection, asked and answered.
09:50:2915 understands that the issues today are claim	construction 09:53:091	
09:50:3216 and claim construction only. With that beir	ng said, you can 09:53:121	6 has not formulated that opinion, and you're well beyond the
09:50:3517 expand upon your, the question as much as	you can. 09:53:141	7 scope of this deposition. This deposition relates to claim
09:50:4118 So, is there a pending question?	09:53:171	8 construction and claim construction only. I suggest you
09:50:4619 Q. BY MR. SLONIM: I will repeat t	he question. 09:53:201	9 move on rather than waste everybody's time.
09:50:4720 What was the expert opinion that yo	ou were 09:53:242	0 MR. SLONIM: I suggest that you stop objecting
09:50:5421 preparing based on those 46 references that	you 09:53:272	1 in that form, in the form of speaking objections and let
09:51:0222 A. I'm not prepared I have not prep	pared an 09:53:292	2 the witness testify for himself. If you insist on
09:51:0423 expert opinion in writing yet. Really, I was	preparing 09:53:332	3 testifying, I think we can swear you in and you'll be in
00 51 0004	l l	
09:51:0824 myself to review the claim construction tod	ay. 09:53:372	4 that seat and you can testify, but here it's improper to do

5 (Pages 14 to 17)

	Page 18		Page 20
09:53:41 1	MR. SCHATZ: I disagree. My objection's on	09:55:49 1	Q. And short of reading the entire patent, you've
09:53:43 2	the record.	09:55:55 2	read certain pieces more than five times?
09:53:45 3	MR. SLONIM: And I disagree with your style of	09:55:59 3	A. Yes. Yes. Key passages.
09:53:47 4	your objections.	09:56:01 4	Q. And what other materials have you reviewed for
09:53:48 5	MR. SCHATZ: Well, I figured you would object	09:56:07 5	the claim construction purposes?
09:53:50 6	to that.	09:56:09 6	A. Hm, I would say relevant patents.
09:53:50 7	Q. BY MR. SLONIM: So let me repeat the question.	09:56:39 7	Q. Which ones?
09:53:57 8	A. Okay.	09:56:40 8	A. I don't have the list in front of me. Sorry.
09:53:57 9	Q. As you said, the purpose of your review of the	09:56:44 9	Q. Do you have it somewhere?
09:53:5910	'356 patent was initially was to assess its soundness.	09:56:4710	A. At home.
09:54:0611	A. Mm-hm (affirmative response).	09:56:4811	Q. I would ask that you provide us with that
09:54:0612	Q. And have you reached a conclusion as to the	09:56:5112	list.
09:54:0813	soundness of that patent?	09:56:5213	MR. SCHATZ: We'll take that under advisement.
09:54:1014	MR. SCHATZ: Objection, mischaracterization of	09:56:5414	THE WITNESS: Okay.
09:54:1315	earlier testimony.	09:56:5515	(INFORMATION-TO-PRODUCE)
09:54:1316	You can answer.	09:56:5616	Q. Does that include other Presidio patents,
09:54:1517	Q. BY MR. SLONIM: You may answer.	09:57:0117	other than '356?
09:54:1618	A. Okay. I haven't reached my final conclusion,	09:57:0218	A. Yeah, '327.
09:54:1819	but I'm comfortable with the '356 patent at this point.	09:57:0419	Q. Any other Presidio patents that you can
09:54:2220	Q. And by comfortable, you mean it's what do	09:57:0920	identify by key word or some other identifier that stuck in
09:54:2621	you mean by sound patent?	09:57:1521	your mind?
09:54:2722	MR. SCHATZ: I'm going to instruct the witness	09:57:1722	A. There is one earlier one. All I remember is
09:54:2823	not to answer any further questions about the opinions	09:57:2023	it has the Devoe name on it.
09:54:3024	regarding validity or invalidity. That's not the subject	09:57:2124	Q. I think that's a common feature to the
09:54:3425	of this deposition, and you know it and everybody in the	09:57:2425	A. Yes. Yes.
	Page 19		Page 21
09:54:37 1	room knows it, so I suggest you move on.	09:57:25 1	Q patents.
09:54:39 2	I'll instruct the witness not to answer that	09:57:31 2	
		09:57:31 2	Do those patents, relevant patents include any
09:54:41 3	question.	09:57:31 2	Do those patents, relevant patents include any of the ATC patents?
09:54:41 3 09:54:43 4	question. (INSTRUCTION-BY-COUNSEL)		
	-	09:57:36 3	of the ATC patents?
09:54:43 4	(INSTRUCTION-BY-COUNSEL)	09:57:36 3 09:57:39 4	of the ATC patents? A. Yes.
09:54:43 4 09:54:43 5	(INSTRUCTION-BY-COUNSEL) MR. SLONIM: Is that a question of privilege?	09:57:36 3 09:57:39 4 09:57:43 5	of the ATC patents? A. Yes. Q. Do you remember which ones?
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09:54:43 4 09:54:43 5 09:54:45 6 09:54:47 7 09:54:50 8 09:54:52 9 09:54:5610	(INSTRUCTION-BY-COUNSEL) MR. SLONIM: Is that a question of privilege? The soundness of the patent MR. SCHATZ: My instruction is on the record. Okay. The witness is not going to answer any questions about validity or invalidity because that is not the subject of this deposition. The instruction's on the	09:57:36 3 09:57:39 4 09:57:43 5 09:57:45 6 09:57:50 7 09:57:56 8 09:57:56 9	of the ATC patents? A. Yes. Q. Do you remember which ones? A. Monsorno. Q. How many Monsorno patents are there? A. I'm sorry? Q. How many Monsorno patents are there that are there relevant?
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09:54:43 4 09:54:43 5 09:54:45 6 09:54:47 7 09:54:50 8 09:54:52 9 09:54:5610 09:54:5911 09:55:0212 09:55:0213 09:55:0213 09:55:1215 09:55:1416 09:55:1517 09:55:2018 09:55:2319 09:55:2420 09:55:2621 09:55:4322	(INSTRUCTION-BY-COUNSEL) MR. SLONIM: Is that a question of privilege? The soundness of the patent MR. SCHATZ: My instruction is on the record. Okay. The witness is not going to answer any questions about validity or invalidity because that is not the subject of this deposition. The instruction's on the deposition. Don't address the witness on those issues any more. Q. BY MR. SLONIM: Will you answer the question? MR. SCHATZ: The instruction stands. THE WITNESS: On the advice of my counsel, I would say no. Q. BY MR. SLONIM: Did you review the '356 patent for the claim construction purposes? A. Yes. Q. How many times? A. Define a time. Me reading the entire patent? Q. Let's start with that.	09:57:36 3 09:57:39 4 09:57:43 5 09:57:45 6 09:57:56 8 09:57:56 9 09:58:0010 09:58:0111 09:58:0312 09:58:0313 09:58:0414 09:58:0715 09:58:1316 09:58:1316 09:58:1517 09:58:1618 09:58:2019 09:58:2621 09:58:2722	A. Yes. Q. Do you remember which ones? A. Monsorno. Q. How many Monsorno patents are there? A. I'm sorry? Q. How many Monsorno patents are there that are there relevant? MR. SCHATZ: I'll just caution, don't speculate. Q. BY MR. SLONIM: If you remember. A. I remember one distinctly. Q. Any of the Mruz patents, M-R-U-Z, as the inventor? A. That is not familiar to me. Q. And those relevant patents would also include any of the patents from the 46, approximately 46 patents that ATC provided? A. Yes. Q. Would it include all the 46 references or some
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6 (Pages 18 to 21)

	Page 22		Page 24
09:58:35 1	Q. BY MR. SLONIM: Absolutely.	10:01:05 1	disputing today, pretty self-explanatory in the '356
09:58:37 2	And would the relevant patents that you've	10:01:12 2	patent.
09:58:40 3	reviewed for claim construction, and you said you have an	10:01:12 3	Q. But in addition to the '356 patent you've
09:58:45 4	approximate list of that	10:01:25 4	reviewed other patents for the claim construction purposes.
09:58:46 5	MR. SCHATZ: I'm going to object to the extent	10:01:31 5	as you've testified before?
09:58:50 6	you're using the term "relevant".	10:01:32 6	A. We've I read the patents, but it's an
09:58:52 7	MR. SLONIM: I'm going to object, if you could	10:01:41 7	interesting question how necessary were they for the actual
09:58:53 8	hold your objection until I've finished the question, I'd	10:01:43 8	claim construction.
09:58:56 9	appreciate that.	10:01:45 9	Hm. In truth, I could have probably just read
09:58:5610	MR. SCHATZ: I'm sorry. I thought you were	10:01:5210	the '356 patent if all we're have addressing is claim
09:58:5811	finished with your question.	10:02:0011	construction.
09:58:5912	MR. SLONIM: Absolutely not, I was right in	10:02:0012	Q. Why do you say that?
09:59:0113	the middle, you interrupted me.	10:02:0113	A. When I read the '356 patent, what I get out of
09:59:0314	MR. SCHATZ: Please finish.	10:02:0414	it, out of the summary section, that links close enough to
09:59:0415	MR. SLONIM: I appreciate that.	10:02:0615	the claim construction, they're self they're mutually
09:59:0516	Q. BY MR. SLONIM: And do you understand that	10:02:1116	consistent with each other.
09:59:0817	when I say relevant patents, I'm referring to your prior	10:02:2317	Q. And so that, in your view, reduces the need to
09:59:1018	testimony, relevant patents to claim construction?	10:02:2918	consult other patents?
09:59:1319	A. I understand.	10:02:3019	A. I could have just read the '356 patent in
09:59:1420	Q. And that's how I'm going to use the relevant	10:02:4320	isolation, it turns out.
09:59:1721	patents	10:02:4521	Q. Well, let me repeat the question.
09:59:1822	A. Understood.	10:02:5222	A. Okay.
09:59:1823	Q the way you've described that, so we have a	10:02:5223	Q. I don't think you've answered my question.
09:59:2124	common point of reference.	10:02:5424	A. Okay.
09:59:2225	A. Understood.	10:02:5525	Q. So does your view that you only need to review
	Page 23		Page 25
09:59:22 1	Q. And so would the relevant patents that you've	10:03:05 1	the '356 patent for claim construction purposes, reduces
09:59:27 2	reviewed for the claim construction purposes include all 46	10:03:10 2	the need to review any other references, patent or
09:59:32 3	patents provided by ATC?	10:03:15 3	nonpatent?
09:59:34 4	A. I'd say		
		10:03:16 4	A. Um, I have to be careful here.
09:59:35 5	MR. SCHATZ: I'll object because I don't	10:03:16 4	A. Um, I have to be careful here.
09:59:35 5 09:59:36 6			•
	MR. SCHATZ: I'll object because I don't	10:03:18 5	A. Um, I have to be careful here. In hindsight, having read the other patents, I
09:59:36 6	MR. SCHATZ: I'll object because I don't understand the definition of the term "relevant" in this	10:03:18 5	A. Um, I have to be careful here. In hindsight, having read the other patents, I see they didn't they were not essential to arrive for
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09:59:36 6 09:59:40 7 09:59:42 8 09:59:44 9 09:59:4711 09:59:5112 09:59:5213 09:59:5314 09:59:5515 10:00:0016 10:00:0217 10:00:0618 10:00:2019 10:00:2620	MR. SCHATZ: I'll object because I don't understand the definition of the term "relevant" in this context, and I don't think you do either. MR. SLONIM: I think the witness can answer the question. MR. SCHATZ: You can answer to the extent you understand the term "relevant". THE WITNESS: That is a good question. What does relevant mean? Q. BY MR. SLONIM: Whatever you meant by it when you said relevant patents for claim construction purposes, that you've reviewed for claim construction purposes. A. Hm. Well, I'd say it's a subset of the 46. Q. And in terms of judging which patents out of the 46 are relevant for claim construction purposes, or not, did you make that decision yourself? A. Oh, yes. I was thinking over something,	10:03:18 5 10:03:23 6 10:03:24 7 10:03:29 8 10:03:34 9 10:03:3610 10:03:3711 10:03:4012 10:03:4714 10:03:4915 10:03:5016 10:03:5718 10:04:0119 10:04:0220	A. Um, I have to be careful here. In hindsight, having read the other patents, I see they didn't they were not essential to arrive for the claim construction decisions that I've made. Q. I see. So let's say in addition to the '356 patent and the other patents A. Yes. Q that you've reviewed for claim construction purposes, what other documents have you reviewed for claim construction, as you were working on your claim construction opinions? MR. SCHATZ: And again, I would just object that you're talking about a significant amount of materials and you've not offered Dr. Godshalk anything to look at to answer your question; but to the best of your belief and knowledge, you can answer the question. THE WITNESS: Okay. In addition to what you provided, and actually, in addition to the 46 references,
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09:59:36 6 09:59:40 7 09:59:42 8 09:59:44 9 09:59:4711 09:59:5112 09:59:5213 09:59:5314 09:59:5515 10:00:0016 10:00:0217 10:00:0618 10:00:2019 10:00:2620 10:00:2821 10:00:3722	MR. SCHATZ: I'll object because I don't understand the definition of the term "relevant" in this context, and I don't think you do either. MR. SLONIM: I think the witness can answer the question. MR. SCHATZ: You can answer to the extent you understand the term "relevant". THE WITNESS: That is a good question. What does relevant mean? Q. BY MR. SLONIM: Whatever you meant by it when you said relevant patents for claim construction purposes, that you've reviewed for claim construction purposes. A. Hm. Well, I'd say it's a subset of the 46. Q. And in terms of judging which patents out of the 46 are relevant for claim construction purposes, or not, did you make that decision yourself? A. Oh, yes. I was thinking over something, because your last question, you said something interesting. Yeah, relevance to claim construction, hm. As far as the	10:03:18 5 10:03:23 6 10:03:24 7 10:03:29 8 10:03:34 9 10:03:37 11 10:03:40 12 10:03:40 12 10:03:47 14 10:03:49 15 10:03:50 16 10:03:50 16 10:03:57 18 10:04:01 19 10:04:02 20 10:04:04 21 10:04:10 22 10:04:14 23	A. Um, I have to be careful here. In hindsight, having read the other patents, I see they didn't they were not essential to arrive for the claim construction decisions that I've made. Q. I see. So let's say in addition to the '356 patent and the other patents A. Yes. Q that you've reviewed for claim construction purposes, what other documents have you reviewed for claim construction, as you were working on your claim construction opinions? MR. SCHATZ: And again, I would just object that you're talking about a significant amount of materials and you've not offered Dr. Godshalk anything to look at to answer your question; but to the best of your belief and knowledge, you can answer the question. THE WITNESS: Okay. In addition to what you provided, and actually, in addition to the 46 references, you would include the Herbert article, that's in there, too. I distinguish that as different from patents. I
09:59:36 6 09:59:40 7 09:59:42 8 09:59:44 9 09:59:4711 09:59:5112 09:59:5213 09:59:5314 09:59:5515 10:00:0016 10:00:0217 10:00:0618 10:00:2019 10:00:2620 10:00:2821 10:00:3722 10:00:4123	MR. SCHATZ: I'll object because I don't understand the definition of the term "relevant" in this context, and I don't think you do either. MR. SLONIM: I think the witness can answer the question. MR. SCHATZ: You can answer to the extent you understand the term "relevant". THE WITNESS: That is a good question. What does relevant mean? Q. BY MR. SLONIM: Whatever you meant by it when you said relevant patents for claim construction purposes, that you've reviewed for claim construction purposes. A. Hm. Well, I'd say it's a subset of the 46. Q. And in terms of judging which patents out of the 46 are relevant for claim construction purposes, or not, did you make that decision yourself? A. Oh, yes. I was thinking over something, because your last question, you said something interesting.	10:03:18 5 10:03:23 6 10:03:24 7 10:03:29 8 10:03:34 9 10:03:37 11 10:03:40 12 10:03:40 12 10:03:47 14 10:03:49 15 10:03:50 16 10:03:51 17 10:03:57 18 10:04:01 19 10:04:02 20 10:04:04 21 10:04:10 22	A. Um, I have to be careful here. In hindsight, having read the other patents, I see they didn't they were not essential to arrive for the claim construction decisions that I've made. Q. I see. So let's say in addition to the '356 patent and the other patents A. Yes. Q that you've reviewed for claim construction purposes, what other documents have you reviewed for claim construction, as you were working on your claim construction opinions? MR. SCHATZ: And again, I would just object that you're talking about a significant amount of materials and you've not offered Dr. Godshalk anything to look at to answer your question; but to the best of your belief and knowledge, you can answer the question. THE WITNESS: Okay. In addition to what you provided, and actually, in addition to the 46 references, you would include the Herbert article, that's in there,

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	Page 26		Page 28
10:04:29 1	it.	10:07:49 1	A. Mm-hm (affirmative response).
10:04:29 2	Q. BY MR. SLONIM: Did you review any other	10:07:49 2	Q what were the claim terms that you remember
10:04:31 3	materials?	10:07:58 3	you were asked, that were in dispute, and you were asked to
10:04:31 4	A. No. Between the '356 filing materials and	10:08:02 4	provide definitions?
10:04:35 5	what you sent, that's essentially it. I mean, all the	10:08:03 5	A. It may have been after January 8th. Initially
10:04:44 6	essence is in those. I mean, if I looked at some other	10:08:06 6	I just received the patent, please read this patent. It
10:04:47 7	book by chance, it was nothing significant, so	10:08:10 7	was probably, you know, I would guess in the time frame one
10:04:51 8	Q. I understand.	10:08:12 8	to two weeks afterwards, I was told that Claim No. 1,
10:04:51 9	You didn't keep a list of materials you've	10:08:15 9	certain sub elements of that were in question, Claim 3, 19,
10:04:5510	reviewed?	10:08:2210	and there was one, I thought there was one other one that
10:04:5611	A. I operated off of the list of references you	10:08:2511	then was taken off the table, and I apologize, I don't
10:05:0212	provided. That was my checklist.	10:08:2812	remember that number.
10:05:0513	Q. And other than that list, you didn't add to	10:08:2913	Q. I completely understand.
10:05:0313	that list other references that you looked	10:08:3114	A. Okay.
	-	10:08:3114	•
10:05:1715	A. No, I did not. Q. Did you check off on that list as you've gone	10:08:3115	Q. Let me mark a document as an exhibit. (Deposition Exhibit No. 1 was marked for
10:05:1816			(Deposition Exhibit No. 1 was marked for identification; A discussion was had off the record.)
10:05:2017	through those references, just for recordkeeping purposes?		
10:05:2418	A. I did.	10:09:1318	Q. Looking at Exhibit 1 that I've placed before
10:05:2519	Q. Did you write any notes about those references	10:09:2519	you
10:05:2820	that you reviewed?	10:09:2720	A. Yes.
10:05:2921	A. Well, is that relative, relevant to the claim	10:09:2721	Q could you identify what that is?
10:05:4122	construction case?	10:09:2822	A. It is the United States patent by Devoe,
10:05:4323	Q. All I'm asking, any notes.	10:09:3323	No. 6,816,356 B2, dated November 9th, 2004. Title is
10:05:4524	A. Any notes. I'm sure I made scribbles in the	10:09:4124	Integrated Broadband Ceramic Capacitor Array.
10:05:4725	margins of some of the patents.	10:09:4725	Q. And is this the patent, the claims of which
	Page 27		Page 29
10:05:49 1	Q. Did you write, make any other, other than the	10:09:54 1	you were asked to offer your claim construction opinions
10:05:54 2	marginal notations on some of references, did you write any	10:09:57 2	about?
10:05:59 3	other notes or comments to yourself as you were preparing	10:09:58 3	A. Yes, it is.
10:06:05 4	your claim construction opinions?	10:09:58 4	Q. And you've reviewed that patent before?
10:06:07 5	A. Oh, some Post-its that were stuck on the sides	10:10:02 5	A. I have.
10:06:14 6	of them that I summarized little parts, and I don't know if	10:10:02 6	Q. Could you please turn to Column 12?
10:06:16 7	they're still there, and when I work on the claim	10:10:05 7	A. Okay.
10:06:18 8	construction, I can operate off of those, but I didn't	10:10:05 8	Q. That's I think where Claim 1 begins, at the
10:06:21 9	really need those notes for the claim construction. I	10:10:16 9	very bottom.
10:06:2810	found the '356 patent had what I needed in it.	10:10:1710	A. Yes, yes, I see it.
10:06:3011	Q. Did you do any calculations for the purposes	10:10:1811	Q. Could you please tell me out of Claim 1 in
10:06:3712	of your claim construction opinions?	10:10:2312	that first week or two as you've testified after January
10:06:3913	A. No, I didn't find them necessary.	10:10:3113	8th you were working on claim construction, what claim
10:06:4314	Q. You didn't do any testing of any capacitors?	10:10:3514	elements did you understand were in dispute and you were
10:06:5015	A. No.	10:10:4015	preparing expert opinions on?
10:06:5016	Q. So if we can go back to that initial phase of	10:10:4216	A. Substantially
10:07:0817	your engagement, right around January 8th.	10:10:4417	MR. SCHATZ: I'm going to object to the timing
10:07:1118	A. Mm-hm (affirmative response).	10:10:4618	of when particular terms were reviewed. You're generally
	* *	10:10:5119	speaking of within a few weeks of January 8th, and I'm jus
	O. So at that time you were asked to review		or 8 of and a few cokes of surface your, and I m just
10:07:1219	Q. So at that time you were asked to review	10:10:5520	cautioning the witness not to speculate
10:07:1219 10:07:1720	certain materials and offer your claim construction	10:10:5520	cautioning the witness not to speculate. THE WITNESS: Okay I hope my dates are taken
10:07:1219 10:07:1720 10:07:2121	certain materials and offer your claim construction opinions; is that	10:10:5721	THE WITNESS: Okay. I hope my dates are taken
10:07:1219 10:07:1720 10:07:2121 10:07:2422	certain materials and offer your claim construction opinions; is that A. I was presented information on the claims that	10:10:5721 10:10:5922	THE WITNESS: Okay. I hope my dates are taken as good faith approximations, and that
10:07:1219 10:07:1720 10:07:2121 10:07:2422 10:07:3423	certain materials and offer your claim construction opinions; is that A. I was presented information on the claims that were in dispute, and asked to provide clearer definitions	10:10:5721 10:10:5922 10:11:0223	THE WITNESS: Okay. I hope my dates are taken as good faith approximations, and that Q. BY MR. SLONIM: Absolutely.
10:07:1219 10:07:1720 10:07:2121 10:07:2422	certain materials and offer your claim construction opinions; is that A. I was presented information on the claims that	10:10:5721 10:10:5922	THE WITNESS: Okay. I hope my dates are taken as good faith approximations, and that

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	Page 30		Page 32
10 11 06 1		10 12 06 1	
10:11:06 1	Q. Let's say the initial focus of your claim	10:13:26 1	Q. So the form of certain elements in Claim 1 and
10:11:11 2	construction opinions with uncertain terms.	10:13:31 2	Claim 3 is similar?
10:11:14 3	A. Yeah.	10:13:32 3	A. Yes.
10:11:14 4	Q. And that's what I want to	10:13:33 4	Q. Okay.
10:11:15 5	A. Okay.	10:13:34 5	A. Same concept.
10:11:16 6	Q. When it's one week or two weeks, even if you	10:13:35 6	Q. Okay.
10:11:21 7	can't place it	10:13:36 7	A. Okay.
10:11:21 8	A. Do you mind if I can I use my markers if I	10:13:38 8	Q. And so in addition to the four elements in
10:11:26 9	want?	10:13:40 9	Claim 1, for that initial claim, batch of claim
10:11:2610	Q. Absolutely.	10:13:5210	construction opinions you were preparing, did you consider
	A. Well, initially it was Claim 1 and the two	10:14:0011	any opinions for claim elements from Claims 16, 18 or 19? These are additional claims that are asserted in this case.
10:11:3512	that were de-emphasized I can tell you were the second and		
10:11:3813	third ones. It was more a matter of what is not critical.	10:14:1113	MR. SCHATZ: And I'll just ask for some time
10:11:4114	Q. Okay.	10:14:1414	to the witness can review those claims.
10:11:4115	A. But the first one, substantially monolithic	10:14:1615	Q. BY MR. SLONIM: Absolutely.
10:11:4516	dialectric body was one. Let's see.	10:14:1716	A. The only one that I really focused on was Claim 19.
	Conductive first contact disposed externally	10:14:2017	O. What element from Claim 19?
10:11:5318	on the dialectric body and electrically connected to the	10:14:2018	
10:11:5719	first plate.	10:14:2419	A. The aspect of the hexahedron shape.
10:11:5720	And the conductive second contact disposed	10:14:3120	Q. Okay.
10:12:0021	externally on the dialectric body and electrically	10:15:1421	(Deposition Exhibit No. 2 was marked for
10:12:0322	connected to the second plate.	10:15:1522	identification.)
10:12:0523	And then it's broken actually there.	10:15:1523	Q. Dr. Godshalk, have you seen Exhibit 2 before?
10:12:0724	And the second contact being located	10:15:2424	A. I have.
10:12:1025	sufficiently close to the first contact to form a first	10:15:2425	Q. When was the first time you saw it?
	Page 31		Page 33
10:12:13 1	fringe-effect capacitance with the first contact.	10:15:33 1	MR. SCHATZ: Just caution the witness not to
10:12:16 2	Q. So those, I think I counted three claim	10:15:38 2	speculate.
10:12:25 3	A. Yes.	10:15:38 3	Q. BY MR. SLONIM: Would it be fair to say around
10:12:25 4	Q. Is that	10:15:40 4	January 16?
5	A. Well, I think you actually	10:15:40 5	A. It was after that, within a week after that,
10:12:29 6	Q. Or three phrases?	10:15:47 6	but
10:12:31 7	A. Well, I think it's actually the last one gets	10:15:48 7	Q. So, would it be fair to say that based on
10:12:33 8	broken into two.	10:15:54 8	Exhibit 2, how many claim elements are proposed for
10:12:34 9	Q. Into two.	10:16:00 9	construction in Exhibit 2, if you could refer to that?
10:12:3410	A. Yeah. So you're going to end up with four.	10:16:0210	A. I think it's
10:12:3711	Q. Okay.	10:16:0911	Q. Take your time to read it.
10:12:3712	A. Yeah. Broke that one in the middle.	10:16:1012	A. Okay. I see one.
10:12:3913	Q. And so then we can skip Claims 2 and 3?	10:16:4113	Q. So out of four claim elements that you've
10:12:4414	A. I think 3 is actually cited also, because it's	10:16:5114	initially considered from Claim 1, only one you, at least
10:12:4915	a repeat of the end of 1.	10:16:5615	on January 16 you've decided only one of them needed
10:12:5216	Q. What do you mean by that, repeat of the end	10:17:0116	construction; is that a fair statement?
10:13:0417	A. Claim 1, it's first-fringe effect capacitance	10:17:0417	MR. SCHATZ: Objection, objection,
10:13:0718	with the first contact. Let's see. At the end of 3,	10:17:0518	mischaracterization of the testimony.
10:13:1019	there's a sentence that says "and the second contact being		THE WITNESS: Yeah, I did not make a decision
10:13:1220	located sufficiently close to the first contact on the	10:17:1020	on which ones required it. What I see in this letter is
10:13:1521	second side" Claim 1's the first side.	10:17:1621	one of them is listed. I can't comment if that implies the
10:13:1822	Q. Okay.	10:17:1822	other ones were necessary or unnecessary.
10:13:1823	A "of the dialect body to form a second	10:17:2123	Q. BY MR. SLONIM: But they're not listed on this
10:13:2124	fringe-effect capacitance with the first contact," so it	10:17:2324	letter?
10:13:2425	sort of repeats the tail end of Claim 1.	10:17:2325	A. I do not see the other ones listed here.

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	Page 34		Page 36
10:17:25 1	Q. Was it your decision not to list them, not to	10:20:36 1	Q. Absolutely.
10:17:27 2	list those additional three in this letter?	10:20:37 2	A. I consider everything important that we do.
10:17:30 3	A. No.	10:20:39 3	As to which one gets listed in a letter, I would trust that
10:17:30 4	Q. Do you understand that to be the counsel's	10:20:43 4	the counsel knows what they're doing, and for all I know,
10:17:33 5	decision?	10:20:48 5	they would follow up with a second letter with more of
10:17:34 6	A. Yes.	10:20:51 6	them. I don't understand that aspect of the process well
10:17:34 7	Q. Do you agree with that decision?	10:20:56 7	enough to have a meaningful opinion on it.
10:17:49 8	A. I have no opinion on it.	10:20:58 8	Q. But as to your opinion, aside from Counsel's
10:17:50 9	Q. And did the number of claim terms that you've	10:21:06 9	view, your own expert opinion about which claim elements
10:18:1510	proposed for construction change subsequent to January 16th		need construction from the asserted claims in this case, do
10:18:2011	when only one term was proposed for construction?	10:21:2311	you have that opinion, which claim elements need that
10:18:2312	MR. SCHATZ: Objection, calls for speculation	10:21:2512	construction?
10:18:2613	as far as the timing is concerned.	10:21:2513	A. I'm trying to really understand what you're
10:18:3014	THE WITNESS: I don't think any decision was	10:21:3314	asking about. I mean, it was made clear to me that further
10:18:3115	made at this point how many were important or not. I don't	10:21:3815	definition was required on some of the claim elements,
10:18:3716	know. I mean, I see one here, but that's all I can comment	10:21:4416	so and if they need further definition, I felt perfectly
10:18:4217	on is that there's one here; that doesn't imply the other	10:21:5717	capable of giving further definition on those. That's been
10:18:5018	ones are irrelevant.	10:22:0418	my involvement really in this.
10:18:5019	Q. BY MR. SLONIM: But if they're not proposed	10:22:0619	Q. So unless you were asked to give a definition
10:18:5320	for construction then there will be no construction of	10:22:1120	or consider giving a definition for a claim term, you
10:18:5521	them; is that how you understand this process works?	10:22:1421	didn't affirmatively yourself say a particular claim term
10:18:5822	MR. SCHATZ: Objection, calls for a legal	10:22:2222	needs a definition or should have a definition? Is that a
10:18:5923	conclusion that the witness is not here to testify about.	10:22:3323	fair characterization of how this process worked for you?
10:19:0224	THE WITNESS: Yeah, it's beyond my experience	10:22:3524	A. I think that's fair.
10:19:0425	to comment on that. All I can say is I see in the letter	10:22:3725	Q. Have you ever, other than in this case, have
	Page 35		Page 37
10:19:07 1	that one is listed. As to why the other five are not, it's	10:23:05 1	you ever worked for Presidio Components?
10:19:12 2	beyond my understanding.	10:23:10 2	A. No.
10:19:13 3	Q. BY MR. SLONIM: Did you propose them to be	10:23:11 3	Q. Or consulted for them?
10:19:16 4	included in the claim construction so they'd be construed	10:23:12 4	A. Never.
10:19:20 5	by the Court?	10:23:15 5	Q. Have you ever met any of the Devoe family
10:19:21 6	A. No, I did not.	10:23:19 6	members?
10:19:21 7	Q. You didn't propose that to counsel for	10:23:19 7	A. No, I have not.
10:19:25 8	Presidio, Mr. Schatz or Mr. Ahrens?	10:23:20 8	Q. Have you spoken to any of them?
10:19:27 9	A. You mean, did I tell them what claims they	10:23:21 9	A. One time.
10:19:3010	should put in? I'm trying to understand the question.	10:23:2210	Q. Who did you speak to?
10:19:3411	Q. Absolutely. Let me rephrase it.	10:23:2311	A. It was one of the sons.
10:19:3612	Did you propose the other three elements or	10:23:3212	Q. I think a couple of them are listed as
10:19:4213	more elements from Claim 1, let's say, to Presidio's	10:23:3413	inventors.
10:19:4914	lawyers as claim elements that need construction in this	10:23:3514	A. Yeah. I think it was Lambert. It was just a
10:19:5615	case?	10:23:3915	brief phone call. There was no serious content. It was
10:19:5616	A. No, I did not.	10:23:5216	like hello, I'm Lambert Devoe. And he didn't describe the
10:19:5817	Q. And why not?	10:24:0017	invention at all, sort of like it was a pretty
10:20:0118	A. I just never thought of it.	10:24:0518	meaningless phone call, actually. I'm trying to remember
10:20:0419	Q. So you don't have an opinion as to which claim	10:24:0819	any substance of it. I can't really think it was
10:20:1420	elements have to be construed in this case?	10:24:1120	something substantive, but it was a brief call, like five
10:20:1821	MR. SCHATZ: Objection to the extent it	10:24:1421	minutes.
10:20:2122	mischaracterizes the summary of Dr. Godshalk.	10:24:1422	Q. And you were at your offices in, at Maxim
10:20:2723	Q. BY MR. SLONIM: You may answer.	10:24:1723	Integrated?
10:20:2824	A. I just want to make sure I'm clearly	10:24:1824	A. Yes.
10:20:3325	understanding what you're getting at.	10:24:1825	Q. Were you surprised by that call?

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	Page 38		Page 40
10:24:22 1	A. I don't remember being surprised by it.	10:27:23 1	Q. I see. And you didn't design it either
10:24:27 2	Q. When was that call, approximately, if you	10:27:30 2	personally yourself from start to finish or as part of a
10:24:31 3	remember?	10:27:34 3	team; is that what you meant by not personally?
10:24:31 4	A. I would say early January, could be I	10:27:36 4	A. No, we've I've not worked at a company
10:24:37 5	really don't know. I mean, it could be plus or minus a	10:27:39 5	where a product was ceramic capacitors. I've used them a
10:24:42 6	week from the new year, something like that.	10:27:43 6	lot. That's my area of expertise.
10:24:43 7	Q. Okay.	10:27:45 7	Q. I see. And let's say even a noncommercial,
10:24:44 8	A. Probably not before. I think we were closed	10:27:54 8	non multi-layer ceramic capacitor, have you designed a
10:24:45 9	then, so it would have been after that.	10:28:00 9	multi-layer ceramic capacitor in your garage or on the side
10:24:4710	Q. You were on vacation for the Christmas week?	10:28:0710	at some point, not for your primary employer?
10:24:4911	A. Yeah. We had a company shutdown, so	10:28:0911	A. No, I've never designed one.
10:24:5112	Q. Oh, that's nice.	10:28:1112	Q. Do you consider yourself to be experienced
10:24:5313	A. Yeah.	10:28:1913	enough to design a multi-layer capacitor?
10:24:5314	Q. So was that conversation with Mr. Lambert	10:28:2214	A. Yes.
10:25:0215	Devoe before your telephone call with Mr. Ahrens?	10:28:2215	Q. And what in your background gives you that
10:25:1016	A. I don't remember which one came first, they	10:28:3116	experience to design a multi-layer capacitor?
10:25:1117	were very close together, I'm sorry, I don't.	10:28:3417	MR. SCHATZ: Would it be helpful to see your
10:25:1318	Q. And did Mr. Devoe ask you to work on this case	10:28:3618	CV?
10:25:1819	as an expert?	10:28:3719	THE WITNESS: No. I can talk about it if my
10:25:2020	A. He did not ask me to.	10:28:3920	counsel's comfortable giving my background.
10:25:2321	Q. What did he ask you in that conversation?	10:28:4321	I have used ceramic capacitors a lot. In
10:25:2622	A. I'm trying to remember. The best of my	10:28:4822	fact, we tried to emulate the performance that the Devoes
10:25:3423	recollection	10:28:5423	managed to do by putting discrete capacitors together, 110
10:25:3424	MR. SCHATZ: I'll caution the witness not to	10:29:0024	gigahertz, back in the early 1990's.
10:25:3625	speculate.	10:29:0325	Q. BY MR. SLONIM: And you're referring to a
	Page 39		Page 41
10:25:37 1	THE WITNESS: Okay.	10:29:04 1	particular figure in the exhibit?
10:25:38 2	Q. BY MR. SLONIM: To the best of your	10:29:09 2	A. Well, we tried cobbling things together, such
10:25:39 3	recollection.	10:29:15 3	as in Figure 8A, Figure 8B. That's why I appreciate the
10:25:40 4	A. Is if I felt competent reviewing a patent on	10:29:20 4	Devoe patent so much, because I wished they had this
10:25:47 5	capacitors, to make sure I was mentally up to it.	10:29:22 5	product available then, because it was a real pain to get
10:25:58 6	Q. And did you answer that question in words or	10:29:25 6	it to work right.
10:26:03 7	substance in that conversation with Mr. Devoe?	10:29:26 7	And I designed integrated circuits on silicon,
10:26:05 8	A. Yes.	10:29:32 8	and the problems are identical to what the Devoes had to
10:26:06 9	Q. And what did you tell him?	10:29:36 9	conquer. I mean, it's the same area of microwaves and
10:26:0810	A. That I've had experience with broadband	10:29:4010	electromagnetics. That's why I'm comfortable with this
10:26:1611	microwave problems, so I was comfortable with the topic.		·
1			technology. And I feel that if I need to take a 10h in a
10:26:2412	- 1	10:29:4712	technology. And I feel that if I need to take a job in a ceramic capacitor company, I feel confident I could design
10:26:2412	Q. Did you tell him that you were competent with		ceramic capacitor company, I feel confident I could design
10:26:3213	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors?	10:29:4712	ceramic capacitor company, I feel confident I could design these things because I've done similar problems.
10:26:3213	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors?A. I don't think I said that exactly, but I'm	10:29:4712 10:29:5313	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if
10:26:3213	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in.	10:29:4712 10:29:5313 10:29:5614	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could
10:26:3213 10:26:4014 10:26:4315 10:26:4516	 Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic 	10:29:4712 10:29:5313 10:29:5614 10:30:0615	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing
10:26:3213 10:26:4014 10:26:4315	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor?	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:0716	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing capacitance, we deal with it all the time. If you're not
10:26:3213 10:26:4014 10:26:4315 10:26:4516 10:26:5017	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor? A. Not personally.	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:0716 10:30:1217	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing
10:26:3213 10:26:4014 10:26:4315 10:26:4516 10:26:5017 10:26:5018	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor? A. Not personally. Q. Have you ever designed a multi-layer ceramic	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:0716 10:30:1217 10:30:1418 10:30:2019	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing capacitance, we deal with it all the time. If you're not aware of these things your designs don't work at these high frequencies.
10:26:3213 10:26:4014 10:26:4315 10:26:4516 10:26:5017 10:26:5018 10:26:5119	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor? A. Not personally. Q. Have you ever designed a multi-layer ceramic capacitor in other than your personal capacity?	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:0716 10:30:1217 10:30:1418	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing capacitance, we deal with it all the time. If you're not aware of these things your designs don't work at these high
10:26:3213 10:26:4014 10:26:4315 10:26:4516 10:26:5017 10:26:5018 10:26:5119 10:27:0420	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor? A. Not personally. Q. Have you ever designed a multi-layer ceramic capacitor in other than your personal capacity? A. One for a manufacturer, you mean, or	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:0716 10:30:1217 10:30:1418 10:30:2019 10:30:2020	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing capacitance, we deal with it all the time. If you're not aware of these things your designs don't work at these high frequencies. Q. But your experience comes from working on the integrated circuits?
10:26:3213 10:26:4014 10:26:4315 10:26:4516 10:26:5017 10:26:5018 10:26:5119 10:27:0420 10:27:0721	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor? A. Not personally. Q. Have you ever designed a multi-layer ceramic capacitor in other than your personal capacity? A. One for a manufacturer, you mean, or Q. Yes.	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:0716 10:30:1217 10:30:1418 10:30:2019 10:30:2020 10:30:3421	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing capacitance, we deal with it all the time. If you're not aware of these things your designs don't work at these high frequencies. Q. But your experience comes from working on the
10:26:3213 10:26:4014 10:26:4315 10:26:4516 10:26:5017 10:26:5018 10:26:5119 10:27:0420 10:27:0721 10:27:1222	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor? A. Not personally. Q. Have you ever designed a multi-layer ceramic capacitor in other than your personal capacity? A. One for a manufacturer, you mean, or	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:1217 10:30:1217 10:30:1418 10:30:2019 10:30:2020 10:30:3421 10:30:3822	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing capacitance, we deal with it all the time. If you're not aware of these things your designs don't work at these high frequencies. Q. But your experience comes from working on the integrated circuits? A. I've done integrated circuits, I've also spent
10:26:3213 10:26:4014 10:26:4315 10:26:4516 10:26:5017 10:26:5018 10:26:5119 10:27:0420 10:27:0721 10:27:1222 10:27:1523	Q. Did you tell him that you were competent with the multi-layer ceramic capacitors? A. I don't think I said that exactly, but I'm familiar with the environment they're used in. Q. Have you ever designed a multi-layer ceramic capacitor? A. Not personally. Q. Have you ever designed a multi-layer ceramic capacitor in other than your personal capacity? A. One for a manufacturer, you mean, or Q. Yes. A. No, it's not in my the companies I've been	10:29:4712 10:29:5313 10:29:5614 10:30:0615 10:30:1217 10:30:1217 10:30:2019 10:30:2020 10:30:3421 10:30:3822 10:30:4223	ceramic capacitor company, I feel confident I could design these things because I've done similar problems. Q. I see. And so what are the similarities, if you could A. Parallel plate capacitance, fringing capacitance, we deal with it all the time. If you're not aware of these things your designs don't work at these high frequencies. Q. But your experience comes from working on the integrated circuits? A. I've done integrated circuits, I've also spent a fair amount of years what we call metrology, developing

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	Page 42		Page 44
10:30:59 1	to 110 gigahertz type of capacitor to build our own. I	10:34:25 1	Q. And what capacitor modeling company?
10:31:04 2	didn't design a ceramic capacitor. I already answered	10:34:27 2	A. Monolithics.
10:31:07 3	that. We cobbled together bits that we could buy from	10:34:29 3	So, for the record, that's speculation on my
10:31:11 4	other people.	10:34:31 4	part.
10:31:11 5	Q. I see.	10:34:43 5	Q. And have you done any work for Monolithics?
10:31:12 6	A. I spent a lot of time building interconnects	10:34:47 6	A. No.
10:31:18 7	between an integrated circuit and an output port, and so I	10:34:47 7	Q. You've not consulted with them?
10:31:23 8	have to deal with capacitors in there and fringing	10:34:49 8	A. Correct.
10:31:26 9	capacitances, stray inductances, stray capacitances, and	10:34:49 9	Q. And you've not worked for ATC before?
10:31:3010	that's largely the essence of this device here. It deals	10:35:0610	A. I never worked for ATC. I've used their
10:31:3711	with the same problems, same challenges.	10:35:0911	products, that's about it.
10:31:3812	Q. I see. But you've never actually taken let's	10:35:1012	Q. And not for ABS?
10:31:4513	say a layer of dialectric and put metal plates on it	10:35:1213	A. Correct. Again, just a user of their
14	A. Oh, I do that.	10:35:1614	products.
10:31:5015	Q and sintered it.	10:35:1615	Q. And not for Kyocera?
10:31:5116	A. Oh, no, I've not sintered it. We do thin film	10:35:1916	A. Correct. I'm familiar with them from the
10:31:5617	depositions or we could put metal on silicon, but I have	10:35:2117	industry, I know who these people are, and they all make
10:31:5818	not ever built a fired device where I had a green tape,	10:35:2318	good products, but I've never worked for any of them.
10:32:0319	whatever you like to call it, and sintered, no, I have not	10:35:2919	Q. I understand.
10:32:0520	done that personally.	10:35:3020	MR. SCHATZ: Timur, would now be a good time
10:32:0621	Q. And in terms of the silicon, do you understand	10:35:3521	for a break?
10:32:1222	silicon to be a semiconductor? Is that	10:35:3722	MR. SLONIM: Absolutely.
10:32:1523	A. Yes, it's semiconductor. Could be a good	23	(A recess was taken from 10:35 a.m. to 10:45
10:32:1924	insulator, depending on the formulation.	10:45:5424	a.m.)
10:32:2225	Q. I see. And you would not consider silicon to	10:46:0425	Q. BY MR. SLONIM: Just to close the loop, I
	Page 43		Page 45
10:32:24 1	be a dialectric as it's used in the multi-layer ceramic	10:46:45 1	think we were going through some company names to see if
10:32:29 2	capacitors?	10:46:52 2	you've worked or consulted for.
10:32:29 3	A. Hm. It's a dialectric, of course. It's	10:46:55 3	A. Mm-hm (affirmative response).
10:32:39 4	different. The dialectric count is so low in silicon	10:46:56 4	Q. Have you worked or consulted for JDS Uniphase?
10:32:46 5	compared to the ceramic capacitors, it's a different beast.	10:47:01 5	A. No.
10:32:52 6	Q. And so after that initial call with	10:47:01 6	Q. And have you worked for or consulted with the
10:33:06 7	Mr. Lambert Devoe, you've not had any contact with anybody	10:47:06 7	Agilent, if I'm pronouncing that right?
10:33:10 8	at Presidio?	10:47:11 8	A. No, I have not.
10:33:10 9	A. Correct. It's like, you know, just a brief	10:47:24 9	Q. Could you tell me if all of your claim
10:33:1410	hello, do you have brains to read something like this?	10:47:2710	construction opinions are presented in your summary of
10:33:1711	Yes, I think I do, and that was it. We never	10:47:3111	claim construction that was provided to us around February
10:33:1912	talked again.	10:47:3812	26?
10:33:1913	Q. And before you spoke with Mr. Ahrens about	10:47:3913	A. Yes. I think there's six of them in there; is
10:33:3314	this case the first time around January 8th, have you been	10:47:4114	that correct?
10:33:3715	in contact with any other with anybody with any other	10:47:4115	Q. And did you draft the first draft of that
10:33:4416	lawyer at Wood, Herron & Evans, which is the law firm that	10:48:0516	summary?
10:33:4817	represents Presidio in this case?	10:48:0617	A. It was done in collaboration with Brett
10:33:5018	A. Before I talked with Brett?	10:48:1218	Schatz.
10:33:5319	Q. Before you talked with Brett?	10:48:1219	Q. So, who authored the first draft? Who typed
10:33:5420	A. No.	10:48:1620	up the first draft?
10:33:5621	Q. How do you understand that Mr. Devoe got your	10:48:1721	A. He typed up the first draft.
10:34:0022	name as a potential expert witness in this case?	10:48:1922	Q. And was it sent to you for review?
10:34:0523	A. Hm. We have a a friend of mine runs a	10:48:2423	A. Yes.
10:34:1924	capacitor modeling company, Larry Dunleavy. He may have	10:48:2424	Q. By e-mail?
10:34:2225	gotten it from him, but that's speculation on my part.	10:48:2525	A. Yes.

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10:48:26 1	Q. Do you still have that e-mail?	10:53:21 1	shipped to you people.
10:48:30 2	A. I believe I do.	10:53:22 2	Q. So if it's February 26th that it was shipped
10:48:37 3	Q. Did you offer your comments and changes to	10:53:33 3	to us, do you generally say it's about February 12, 13,
10:48:39 4	that first draft?	10:53:40 4	when you
10:48:39 5	A. Definitely.	10:53:41 5	A. I don't know. I don't know.
10:48:40 6	Q. Did you do it in writing?	10:53:43 6	MR. SCHATZ: Let me interject.
10:48:42 7	A. I had a phone call with him and I remember	10:53:45 7	THE WITNESS: Okay, please.
10:48:49 8	inserting one sentence in particular.	10:53:46 8	MR. SCHATZ: I'll just object and caution the
10:48:57 9	Q. Which sentence is that, if you remember?	10:53:48 9	witness not to speculate.
10:48:5910	A. You have the document?	10:53:4910	THE WITNESS: Yeah. I am speculating at that
10:49:0011	Q. I certainly do.	10:53:5111	point. I don't know.
10:49:0612	MR. SLONIM: Let's mark this as Exhibit 3.	10:53:5212	Q. BY MR. SLONIM: And reviewing the e mail with
10:49:0913	(Deposition Exhibit No. 3 was marked for	10:53:5513	which the first draft came would answer that question?
10:49:5114	identification.)	10:53:5914	A. Yes.
10:49:5115	THE WITNESS: Bear with me a second here.	10:54:0015	Q. Okay.
10:49:5416	Q. BY MR. SLONIM: No problem.	10:54:0116	A. Yes.
10:51:1517	MR. SCHATZ: I'll just caution you not to	10:54:0217	Q. And does the summary, which is Exhibit 3, list
10:51:1918	speculate.	10:54:1618	all of the materials that you've reviewed in preparing this
10:51:2419	THE WITNESS: I know exactly the one, if I can	10:54:2219	summary?
10:51:2720	find the thing. It was earlier than that. Sorry about	10:54:2220	A. Oh, itemized? It does not list them itemized,
10:51:2921	this.	10:54:3021	but it adequately describes them in one of the paragraphs.
10:51:2922	Q. BY MR. SLONIM: No problem, take your time.	10:54:3322	Q. Could you read me the paragraph that
10:51:4623	A. Ah, Paragraph 15, from the bottom, one, two,	10:54:3523	adequately describes the materials?
10:51:5024	three, four, five, sixth line up from the bottom.	10:54:3924	A. All right. Let's see.
10:51:5625	Q. Would you read that?	10:54:4825	MR. SCHATZ: And before you answer, I'd like
	Page 47		Page 49
10:51:57 1	A. "ATC's proposed definition is overly	10:54:49 1	to have the question read back.
10:52:00 2	restrictive, since it limits the use of the contact to	10:54:51 2	A. Sure, okay. Should I identify it first, Brett
10:52:03 3	connection to an external conductor and touching the first	10:54:53 3	then?
10:52:08 4	plate."	10:54:53 4	MR. SCHATZ: No. I'm asking the court
10:52:10 5	Q. Do you remember specifically adding any other	10:54:55 5	reporter to read back the question.
10:52:14 6	sentences to the first draft?	10:55:07 6	(The Reporter read back the last question.)
10:52:18 7	A. No. We had a lot of it was by phone, a lot	10:55:07 7	MR. SCHATZ: And could I have the previous
10:52:21 8	of it, you know, massaging this together verbally, and then	10:55:10 8	question, as well? I apologize.
10:52:24 9	I just decided to drop that last one in there near the end.	10:55:33 9	(The Reporter read back the last question.)
10:52:3110	Q. And when, approximately, did you receive that	10:55:3310	MR. SCHATZ: I'm just going to interject an
10:52:4111	first draft, if you remember?	10:55:3511	objection that Dr. Godshalk has testified that he's
10:52:4412	A. When was it published? Do you remember?	10:55:3812	reviewed a vast amount of materials, and with that
10:52:4913	Q. It was Tuesday, I understand that it was	10:55:4113	objection, you can answer to the best you understand.
10:52:5114	Tuesday, February 26th.	10:55:4314	THE WITNESS: Okay. Yeah, No. 4, we say, "In
10:52:5415	A. Yeah.	10:55:4715	addition, my opinions are based upon certain materials that
10:52:5416	Q. Around	10:55:4916	I have reviewed in preparation of my opinions, including
10:52:5617	A. It would have been then or within a day or two	10:55:5117	the materials discussed herein. In addition, my opinions
10:52:5918	after. Oh, it was published, oh, done.	10:55:5518	are based upon my review of the '356 patent and related
10:53:0519	Q. I think signed and done.	10:56:0119	materials, the preliminary and responsive claim
10:53:0620	A. Yeah, well, obviously I got it before that.	10:56:0320	construction papers of Presidio and ATC, and the materials
10:53:0921	Well, we had numerous phone calls over the	10:56:0821	referenced therein."
10:53:1122	month before that, putting our ideas together. When did I	10:56:0922	That's very accurate.
10:53:1423	actually see the completed product	10:56:1023	Q. And when you say the three, in the second
10:53:1924	Q. Yes.	10:56:1724	sentence in that paragraph, for the '356 patent and related
1	A. You know, one to two weeks before it was	10:56:2125	materials
10:53:1925	A. Tou know, one to two weeks before it was	10.00.2120	materials

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	Page 50		Page 52
10:56:21 1	A. Mm-hm (affirmative response).	10:58:53 1	Q. Did Counsel, Mr. Schatz or Mr. Ahrens, provide
10:56:22 2	Q. What are the related materials?	10:58:57 2	you with the dictionary definitions for use in this case?
10:56:23 3	A. There's prior art patents that were filed with	10:59:02 3	A. He provided some and some I looked up myself.
10:56:26 4	it in exchange with the US Patent Office.	10:59:05 4	I don't remember who did which one.
10:56:29 5	Q. Anything else?	10:59:08 5	Q. As far as I could tell, I think there are two
10:56:32 6	A. That's what I think of when I say the '356	10:59:12 6	dictionary definitions presented in this.
10:56:38 7	patent.	10:59:16 7	A. I think there's actually three, substantially
10:56:38 8	Q. And is it your understanding that the prior	10:59:19 8	monolithic and then disposed, and there's one more,
10:56:41 9	art patents that were filed with the '356 patent are listed	10:59:24 9	actually.
10:56:4810	on the front page of the '356 patent?	10:59:2510	Q. Well, let's say
10:56:5111	A. I believe they are. This looks correct to me,	10:59:2611	A. Arranged maybe.
10:56:5612	because there's '327 ones, and I remember these. Yes.	10:59:2812	Q. I think you're right.
10:57:0013	That looks complete to me.	13	A. Okay.
10:57:0214	Q. And so by related materials, you're not	10:59:2914	Q. And so do you remember who provided, whether
10:57:0915	referring to anything else?	10:59:3815	it was you that came up with any of those dictionary
10:57:1016	A. No, I'm not.	10:59:4216	definitions?
10:57:1117	Q. And when you say in the first sentence of that	10:59:4317	A. Well, we worked on
10:57:1218	Paragraph 4, "My opinions are based upon certain materials		MR. SCHATZ: Objection, asked and answered.
10:57:1619	that I have reviewed in preparation."	10:59:4619	He said he doesn't recall.
10:57:1820	A. Mm-hm (affirmative response).	10:59:4720	Q. BY MR. SLONIM: You may answer.
10:57:1921	Q. What are those certain materials?	10:59:4821	A. I think it was around the phone jointly at the
10:57:2122	A. Certain materials would be the '356 filing	10:59:5222	same time, so I can't remember who entered in their
10:57:2523	package, and then what we go on to talk about, the	10:59:5423	computer, so I'd be speculating if I said which word he did
10:57:3124	construction let's see, what did we say, related	10:59:5724	and which one I did, so I can't answer that accurately.
10:57:3125	materials, the preliminary and responsive claim	11:00:0125	Sorry.
	Page 51		Page 53
10:57:33 1	construction papers of Presidio and ATC and materials	11:00:02 1	Q. Did you look up the definition of monolithic
10:57:36 2	referenced therein.	11:00:08 2	in the Webster's Third New International Dictionary?
10:57:37 3	And what I mean by that is the, all the	11:00:12 3	-
			A. Well, I reference it because it comes up under dictionary com it will give you Webster's definition and
10:57:41 4	patents that you had referenced in your filing that you	11:00:15 4	dictionary.com, it will give you Webster's definition and
10:57:41 4 10:57:44 5	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I	11:00:15 4 11:00:21 5	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant
10:57:41 4 10:57:44 5 10:57:53 6	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number.	11:00:15 4 11:00:21 5 11:00:25 6	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and
10:57:41 4 10:57:44 5	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to
10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7 11:00:33 8	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no.
10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the
10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9 10:58:0510	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7 11:00:33 8 11:00:33 9	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary?
10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7 11:00:33 8 11:00:33 9	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not.
10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9 10:58:0510 10:58:0811	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the certain sorry. I'm going too fast here. Certain materials would be the union of the	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7 11:00:33 8 11:00:35 10 11:00:4111	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not. Q. And have you used the dictionary.com before in
10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9 10:58:0510 10:58:0811 10:58:1012 10:58:1213	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the certain sorry. I'm going too fast here. Certain materials would be the union of the '356 filing package and then what you provided.	11:00:15 4 11:00:21 5 11:00:25 6 11:00:33 8 11:00:33 9 11:00:3510 11:00:4111 11:00:4212 11:00:4613	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not. Q. And have you used the dictionary.com before in your ordinary course of business?
10:57:41 4 10:57:44 5 10:57:53 6 10:57:58 8 10:58:02 9 10:58:0510 10:58:0811 10:58:1012 10:58:1012 10:58:1614	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the certain sorry. I'm going too fast here. Certain materials would be the union of the '356 filing package and then what you provided. Q. And the certain materials do not include	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7 11:00:33 8 11:00:33 9 11:00:3510 11:00:4111 11:00:4212	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not. Q. And have you used the dictionary.com before in
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10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9 10:58:0510 10:58:0811 10:58:1012 10:58:1012 10:58:1213 10:58:1614 10:58:2215	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the certain sorry. I'm going too fast here. Certain materials would be the union of the '356 filing package and then what you provided. Q. And the certain materials do not include anything else? A. Correct.	11:00:15 4 11:00:21 5 11:00:25 6 11:00:38 7 11:00:33 8 11:00:35 10 11:00:4111 11:00:4212 11:00:4613 11:00:4814 11:00:5215	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not. Q. And have you used the dictionary.com before in your ordinary course of business? A. I've used it occasionally with my kids. Oh, that's not business. Q. So not in the ordinary course of business?
10:57:41 4 10:57:44 5 10:57:53 6 10:57:58 8 10:58:02 9 10:58:0510 10:58:0811 10:58:1012 10:58:1012 10:58:1213 10:58:1614 10:58:2215 10:58:2416	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the certain sorry. I'm going too fast here. Certain materials would be the union of the '356 filing package and then what you provided. Q. And the certain materials do not include anything else?	11:00:15 4 11:00:21 5 11:00:25 6 11:00:38 7 11:00:33 8 11:00:3510 11:00:4111 11:00:4212 11:00:4613 11:00:4814 11:00:5215 11:00:5316	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not. Q. And have you used the dictionary.com before in your ordinary course of business? A. I've used it occasionally with my kids. Oh, that's not business.
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10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9 10:58:0510 10:58:0811 10:58:1012 10:58:1012 10:58:1614 10:58:2215 10:58:2416 10:58:2417 10:58:3018 10:58:3119	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the certain sorry. I'm going too fast here. Certain materials would be the union of the '356 filing package and then what you provided. Q. And the certain materials do not include anything else? A. Correct. Q. Do the certain materials include any dictionaries? A. I used dictionary.com for some of the definitions in here. And that's referenced later, so I	11:00:15 4 11:00:21 5 11:00:25 6 11:00:33 8 11:00:33 9 11:00:3510 11:00:4111 11:00:4212 11:00:4613 11:00:5215 11:00:5316 11:00:5617 11:01:0018 11:01:0119	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not. Q. And have you used the dictionary.com before in your ordinary course of business? A. I've used it occasionally with my kids. Oh, that's not business. Q. So not in the ordinary course of business? A. I can't say yes or no. Q. Other than your kids' studies, I guess? A. Yeah. Have I used it at work? I don't know. I mean, I don't remember if I've used it for work, or not.
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10:57:41 4 10:57:44 5 10:57:53 6 10:57:53 7 10:57:58 8 10:58:02 9 10:58:0510 10:58:0811 10:58:1012 10:58:1012 10:58:1614 10:58:2215 10:58:2416 10:58:2417 10:58:3018 10:58:3119 10:58:3820 10:58:4521 10:58:4722 10:58:4923	patents that you had referenced in your filing that you gave, the 46 are in there, that list of 46 references, I think that's the number. Q. So the certain materials that you reviewed and the materials listed in the second sentence are equivalent is that what you're saying, or because I'm not A. Which one? Certain materials? Yeah, the certain sorry. I'm going too fast here. Certain materials would be the union of the '356 filing package and then what you provided. Q. And the certain materials do not include anything else? A. Correct. Q. Do the certain materials include any dictionaries? A. I used dictionary.com for some of the definitions in here. And that's referenced later, so I didn't so I wasn't try to trick you. I figured if it's referenced later I don't have to have them in that paragraph, so	11:00:15 4 11:00:21 5 11:00:25 6 11:00:28 7 11:00:33 8 11:00:3510 11:00:4111 11:00:4212 11:00:4613 11:00:5215 11:00:5316 11:00:5316 11:01:0119 11:01:0119 11:01:0520 11:01:0921 11:01:1222	dictionary.com, it will give you Webster's definition and the American Collegiate Dictionary. It's like a giant search engine. It will go and get their definitions and present it to you. So I did not specifically go to Webster's, no. Q. I see. And did you specifically check the Webster's, the published Webster's dictionary? A. No, I did not. Q. And have you used the dictionary.com before in your ordinary course of business? A. I've used it occasionally with my kids. Oh, that's not business. Q. So not in the ordinary course of business? A. I can't say yes or no. Q. Other than your kids' studies, I guess? A. Yeah. Have I used it at work? I don't know. I mean, I don't remember if I've used it for work, or not. Q. Do you have any technical dictionaries at work? A. I have my books, my reference books. I don't

14 (Pages 50 to 53)

	Page 54		Page 56
11:01:24 1	personal library in your office of certain books?	11:04:20 1	A. I see that.
11:01:27 2	A. Yes, I in 25 years you can't help but	11:04:21 2	Q. What happened to Paragraph 23?
11:01:31 3	accumulate some books.	11:04:23 3	A. Hm, I don't know.
11:01:32 4	Q. Does Maxim Integrated have a technical library	11:04:31 4	Q. Was there a Paragraph 23 before?
11:01:38 5	where	11:04:32 5	A. I don't remember.
11:01:39 6	A. No.	11:04:35 6	Q. Do you remember how many paragraphs were in
11:01:39 7	Q. So each engineer has his or her own set of	11:04:46 7	the initial draft, in the first draft that you received?
11:01:45 8	reference books or articles or is that?	11:04:49 8	A. No, I'm sorry to say I don't.
11:01:48 9	A. That's a fair statement.	11:04:53 9	Q. And you don't remember if you wrote certain
11:01:4910	Q. And do you have a technical library or	11:05:1610	sentences that were Paragraph 23 before some iteration?
11:01:5411	reference books at home?	11:05:2711	A. Correct. Appears to be a numbering mistake.
11:01:5512	A. I do have some.	11:05:3112	Q. Would you consider yourself to be responsible
11:01:5713	Q. And do you have any technical dictionaries at	11:05:3413	for that numbering mistake?
11:02:0214	home?	11:05:3514	A. Jointly.
11:02:0315	A. I don't.	11:05:3815	Q. How much time, if you remember, did you spend
11:02:0416	Q. Do you have a home office where you perform	11:06:0016	revising the first draft and finalizing the summary of the
11:02:1417	A. I have my old lab. There's old books in	11:06:0517	claim construction opinions, which is Exhibit 3?
11:02:1918	there.	11:06:0918	A. I don't know the exact number of hours. I'm
11:02:1919	Q. And by old lab, you mean as a what do you	11:06:1519	not supposed to speculate, am I?
11:02:2820	mean by old lab?	11:06:2120	Q. No, no.
11:02:2821	A. I had my own business. It's on my CV there.	11:06:2321	A. Okay.
11:02:3222	Q. Are you referring to the Red Point	11:06:2322	Q. Would that number of hours be recorded
11:02:3423	Microwave	11:06:2423	somewhere? Do you keep track of the hours you spend
11:02:3524	A. Yes. Yes. Good at accumulating books.	11:06:2724	working on this case?
11:02:4025	Q. So other than books, what else is in your old	11:06:2825	A. Mm-hm (affirmative response). Yeah, I when
	Page 55		Page 57
11:02:43 1	lab?	11:06:33 1	I invoice them, I have to make an estimate of how much time
11:02:43 2	A. Oh, I have my wire bonder, spectrum analyzer.	11:06:37 2	I spent.
11:02:51 3	Q. Any other equipment?	11:06:37 3	Q. Do you record time daily that you spend on
11:02:53 4	A. There's an oscilloscope, computer that doesn't	11:06:41 4	A. Yeah, I try to be diligent about it.
11:02:58 5	work anymore, some power supplies and a printer.	11:06:43 5	Q. Do you keep those daily records?
11:03:03 6	Q. Do you use that old lab for work purposes?	11:06:47 6	A. I do.
11:03:06 7	A. No. It's it hasn't been used in a long	11:06:48 7	Q. What form are they in?
11:03:09 8	time.	11:06:52 8	A. I use Excel spreadsheet.
11:03:09 9	Q. I see that the pages of your opinion are not	11:06:55 9	Q. And do you do one entry at the end of the day?
11:03:2910	numbered. Is that what you was that your decision not	11:07:0110	A. Sometimes many times during the day, to be
11:03:3411	to number these pages?	11:07:0411	accurate. I try to itemize everything.
11:03:3612	A. I made no decision on that.	11:07:1012	Q. And you record in the Excel spreadsheet a
11:03:3813	Q. Do you know who made that decision?	11:07:1513	description of what you've done?
11:03:4014	A. I don't.	11:07:1614	A. I do.
11:03:4115	Q. You didn't propose that the pages be numbered?	11:07:1715	Q. And then an approximate number of hours or
11:03:5216	A. I did not.	11:07:1916	minutes?
11:03:5317	Q. And if you look at the second-to-last page of	11:07:2017	A. I do.
11:04:0118	that Exhibit 3, your summary	11:07:2018	Q. And what increment do you use?
11:04:0419	A. Okay.	11:07:2319	A. I've been using minutes lately. I switched
11:04:0520	Q do you see Paragraph 24 there?	11:07:2620	over from fractions of an hour to minutes, but I don't
11:04:0821	A. I do.	11:07:2921	remember the date when I switched over.
11:04:0922	Q. And if you go back one page	11:07:3222	Q. So you record, let's say, a conversation with
11:04:1223	A. Okay.	11:07:3923	Mr. Ahrens, seven minutes; is that
11:04:1324	Q the preceding paragraph, if I can tell	11:07:4224	A. That is correct.
11:04:2025	right, is numbered 22?	11:07:4325	Q. So you basically are down to the minute?

15 (Pages 54 to 57)

	Page 58		Page 60
11:07:46 1	A. I try.	11:11:18 1	yes. If it's hexahedron shape or like, it may be
11:07:46 2	Q. And did you send that spreadsheet to Counsel?	11:11:24 2	approximately six-sided.
11:07:54 3	A. I do, when I invoice them.	11:11:25 3	Q. And what does it mean to be approximately a
11:07:55 4	Q. So you attach that spreadsheet to the invoice?	11:11:27 4	hexahedron? Would a seven-sided object be a hexahedron?
11:07:58 5	A. I do.	11:11:35 5	MR. SCHATZ: Objection, calls for a legal
11:07:58 6	Q. And it basically summarizes what you've done	11:11:36 6	conclusion that the witness is not here to testify about.
11:08:02 7	and gives the total?	11:11:38 7	And I'll instruct you not to answer that.
11:08:03 8	A. Line items, then total.	11:11:40 8	(INSTRUCTION-BY-COUNSEL)
11:08:05 9	Q. Moving into some substantive claim	11:11:41 9	Q. BY MR. SLONIM: Are you an expert in
11:08:4110	construction issues, do you agree that the term hexahedron	11:11:4310	hexahedrons?
11:08:4711	means a three-dimensional object which has six sides?	11:11:4411	A. No, I'm not an expert in hexahedrons.
11:08:5112	A. If you say exactly hexahedron, I do.	11:11:4912	Q. Are you an expert in hexahedron shapes?
11:08:5713	Q. And in your expert opinion, does hexahedron,	11:11:5113	A. No, I'm not.
11:09:0314	the term hexahedron define a shape?	11:11:5214	Q. Are you an expert in geometry?
11:09:0715	MR. SCHATZ: Objection, vague.	11:11:5515	A. No, I'm not.
11:09:0916	Q. BY MR. SLONIM: You may answer.	11:11:5616	Q. But you've offered a construction of the
11:09:1017	A. Does it define a shape. Does hexahedron	11:12:0517	phrase "hexahedron shape", haven't you?
11:09:2418	define a shape.	11:12:1918	A. Mm-hm (affirmative response).
11:09:2419	MR. SCHATZ: I'm going to object, because	11:12:2019	Q. I'm not trying to explore your construction.
11:09:2620	that's not part of his opinions. He's opined on what the	11:12:2220	I want to understand what it applies to and what it doesn't
11:09:3121	definition of hexahedron shape should be, but you're asking		apply to, and what I want to understand is, is a three-
11:09:3622	for something that's not relevant to the claim	11:12:3322	dimensional object that has seven sides
11:09:3923	construction.	11:12:3623	A. I use
11:09:3924	Q. BY MR. SLONIM: You may answer the question		MR. SCHATZ: Let me finish. Don't jump so
11:09:4325	A. If you're looking at a geometry book,	11:12:4025	fast.
	Page 59		Page 61
11:09:48 1	hexahedron would define a shape.	11:12:40 1	I'm instructing the witness not to answer.
11:09:52 2	Q. And what shape is that?	11:12:43 2	You just asked the same question back to the witness that I
11:09:53 3	A. Six-sided.	11:12:45 3	instructed him not to answer. You are hoping to get a
11:09:57 4	Q. So hexahedron defines the number of sides; is	11:12:50 4	response when I instructed not to answer, so I appreciate
11:10:03 5	that a fair statement?	11:12:52 5	you not doing that, so, I'm instructing
11:10:04 6	A. That's a fair statement.	11:12:54 6	MR. SLONIM: Brett, what's your basis on
11:10:06 7	Q. And it defines any six, a three-dimensional	11:12:57 7	instructing the witness not to answer claims
11:10:11 8	object with six sides?	11:12:59 8	MR. SCHATZ: Sure.
11:10:15 9	MR. SCHATZ: I'll object to the extent it's	11:12:59 9	MR. SLONIM: I didn't finish.
11:10:1710	not related to claim construction in this case,	11:13:0110	What's your basis on instructing the witness
11:10:2011	specifically given the fact that Claim 19 requires a	11:13:0311	not to answer the question about claim construction opinion
11:10:2312	definition of hexahedron shape, not hexahedron, so if you	11:13:0612	that the witness has offered in his summary? And I
11:10:3213	understand the question, you can answer.	11:13:1113	understood that the purpose of this deposition was to
11:10:3714	THE WITNESS: It's a question of how closely	11:13:1314	explore those opinions, and that's why I'm asking the
11:10:3915	you look at something.	11:13:1915	question, what does that construction cover or not cover,
11:10:4016	From a distance, something could be a	11:13:2316	and why, and I would like the answer to that question and
11:10:4217	hexahedron, but as you get closer, it's not, and you could	11:13:2817	this line of questioning. And could you explain to me why
11:10:4618	see small pertubations in the surfaces. It depends on the	11:13:3218	you are instructing the witness, not on the privilege
11:10:5319	context of the word, how it's used.	11:13:3519	grounds to, not to answer questions about claim
11:10:5520	Q. BY MR. SLONIM: So what's the ordinary meaning	11:13:3920	construction?
11:11:0021	of the word "hexahedron"? Do you agree that the ordinary	11:13:3921	MR. SCHATZ: Because your question is not
11:11:0422	meaning, the dictionary definition of it is a three-	11:13:4122	relative to claim construction. It's an issue of whether
11:11:0723	dimensional object that has six sides, being testified	11:13:4423	or not there is a coverage by a particular thing of a
		1	5 - 1
11:11:1224	about in the claim?	11:13:4924	particular claim term, and that is not defining particular
	about in the claim? A. If you use in isolation the word "hexahedron",	11:13:4924 11:13:5325	particular claim term, and that is not defining particular terms of the claim; it goes into issues of infringement,

16 (Pages 58 to 61)

	Page 62		Page 64
11:13:57 1	and that is not an issue in this case, or at this	11:19:47 1	look like a hexahedron, but as you zoom in, eventually it
11:14:03 2	deposition.	11:19:52 2	doesn't, so what's that number? I guess it depends on your
11:14:09 3	MR. SLONIM: I strongly disagree, and I would	11:19:56 3	eyesight and prescription.
11:14:15 4	ask that you remove this instruction because if we go down		Q. So, it's objective?
11:14:22 5	this path, I think we will move the Court to compel	11:19:58 5	A. It is, yeah.
11:14:31 6	Dr. Godshalk to give those opinions at a subsequent	11:19:59 6	Q. So, a hexahedron shape is a subjective
11:14:35 7	deposition or to be precluded from offering any opinions	11:20:02 7	determination?
11:14:33 7	that he doesn't answer about at this deposition, so we are	11:20:02 7	MR. SCHATZ: Objection, mischaracterizes the
11:14:38 8	precluded from exploring what his constructions cover, to	11:20:02 8	question. You were questioning him about hexahedron, and
11:14:49 10	not cover, and why.	11:20:07 10	you just injected in there, hexahedron shape.
11:14:4910	•	11:20:0710	Q. BY MR. SLONIM: You may answer.
	MR. SCHATZ: And then can you rephrase or can	11:20:0911	
11:14:5212	you restate your question and then I'll take a moment to consider the instruction?	11:20:1212	A. Can you repeat the question again?
11:14:5413			Q. Absolutely.
11:14:5914	MR. SLONIM: Absolutely.	11:20:3014	So in your expert opinion, hexahedron shape is
11:15:0815	Q. And would a three-dimensional object that has	11:20:3315	a subjective determination?
11:15:1316	seven sides be a hexahedron, as you've construed that term?		A. I would call it not sub
11:15:2217	MR. SCHATZ: Okay, we'll take a break. You	11:20:3717	MR. SCHATZ: I will object to the extent it
11:15:2418	can stay here, though.	11:20:4118	mischaracterizes the summary in Exhibit 3.
11:15:2619	(Pause in proceedings.)	11:20:4519	Q. BY MR. SLONIM: You may answer.
11:17:5320	MR. SCHATZ: I'll object to the question	11:20:4520	A. I wouldn't use the term subjective. I would
11:17:5821	whether hexahedron shape covers a particular thing, to the	11:20:4921	use it as an approximation.
11:18:0222	extent it calls for speculation.	11:20:5322	Q. And what is the upper boundary of that
11:18:0423	Q. BY MR. SLONIM: You may answer. There is no		approximation in your expert opinion?
11:18:0724	instruction not to answer.	11:21:0324	A. In this case it would be thicknesses of metal
11:18:0825	A. Am I allowed only to answer the question as it	11:21:0825	or conductive materials. If we ignore those thicknesses
	Page 63		Page 65
11:18:16 1	was asked?	11:21:15 1	and little gaps that are formed, if we agree to ignore
11:18:18 2	Q. You can answer it in any way you feel	11:21:18 2	those, then you could call it a hexahedron shape, so,
11:18:22 3	A. When I say hexahedron, I was I would call	11:21:23 3	that's the boundary.
11:18:25 4	it referring it to a macroscopic scale, if it's okay to use	11:21:26 4	
		11.21.20 4	Q. And by that you mean ignoring the
11:18:29 5	that term. That's why I said in the definition, the	11:21:34 5	Q. And by that you mean ignoring the imperfections?
11:18:29 5	that term. That's why I said in the definition, the dialectric body has six major surfaces, major meaning		
	•	11:21:34 5	imperfections?
11:18:34 6	dialectric body has six major surfaces, major meaning	11:21:34 5 11:21:35 6 11:21:38 7	imperfections? A. Subtle height changes, little gaps that are
11:18:34 6 11:18:38 7	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair	11:21:34 5 11:21:35 6 11:21:38 7	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know,
11:18:34 6 11:18:38 7 11:18:41 8	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd	11:21:34 5 11:21:35 6 11:21:38 7 11:21:40 8	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron.
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a	11:21:34 5 11:21:35 6 11:21:38 7 11:21:40 8 11:21:41 9	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:4910	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's	11:21:34 5 11:21:35 6 11:21:38 7 11:21:40 8 11:21:41 9 11:21:4910	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:4910 11:18:5111	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it,	11:21:34 5 11:21:35 6 11:21:38 7 11:21:40 8 11:21:41 9 11:21:4910 11:21:5711	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:4910 11:18:5111 11:18:5312	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could	11:21:34 5 11:21:35 6 11:21:38 7 11:21:40 8 11:21:41 9 11:21:4910 11:21:5711 11:22:0112	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape?
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that	11:21:34 5 11:21:35 6 11:21:38 7 11:21:40 8 11:21:41 9 11:21:4910 11:21:5711 11:22:0112 11:22:0213	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it
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11:18:34 6 11:18:38 7 11:18:41 8 11:18:49 10 11:18:51 11 11:18:53 12 11:18:56 13 11:18:59 14 11:19:02 15	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0515	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally.
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5914 11:19:0215 11:19:0616	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0816	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5914 11:19:0215 11:19:0616 11:19:0917	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough surface of atoms, so but we use the term anyway.	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0515 11:22:0816 11:22:1017	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a device, they don't have perfectly smooth sides. And if we
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5914 11:19:0215 11:19:0616 11:19:0917 11:19:1418	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough surface of atoms, so but we use the term anyway. Q. And so in terms of your construction on the macroscopic level, when does a three-dimensional object	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0515 11:22:0816 11:22:1017 11:22:1718	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a device, they don't have perfectly smooth sides. And if we ignore those realities, there are subtle height changes due to conductive layers and intentional gaps that are formed,
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5914 11:19:0215 11:19:0616 11:19:0917 11:19:1418 11:19:2119	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough surface of atoms, so but we use the term anyway. Q. And so in terms of your construction on the macroscopic level, when does a three-dimensional object stop having a hexahedron shape?	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0515 11:22:0816 11:22:1017 11:22:1718 11:22:2119	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a device, they don't have perfectly smooth sides. And if we ignore those realities, there are subtle height changes due to conductive layers and intentional gaps that are formed, then I would call it a hexahedron shape. And that is the
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5914 11:19:0215 11:19:0616 11:19:0917 11:19:1418 11:19:2119 11:19:2620	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough surface of atoms, so but we use the term anyway. Q. And so in terms of your construction on the macroscopic level, when does a three-dimensional object stop having a hexahedron shape? MR. SCHATZ: Objection, calling for	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0314 11:22:0515 11:22:0816 11:22:1017 11:22:1718 11:22:2119 11:22:2520	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a device, they don't have perfectly smooth sides. And if we ignore those realities, there are subtle height changes due to conductive layers and intentional gaps that are formed, then I would call it a hexahedron shape. And that is the spirit that that was written in is ignoring those. I would
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5914 11:19:0215 11:19:0616 11:19:0917 11:19:1418 11:19:2119 11:19:2620 11:19:3021	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough surface of atoms, so but we use the term anyway. Q. And so in terms of your construction on the macroscopic level, when does a three-dimensional object stop having a hexahedron shape? MR. SCHATZ: Objection, calling for speculation.	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0515 11:22:0816 11:22:1017 11:22:1718 11:22:2119 11:22:2520 11:22:2821	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a device, they don't have perfectly smooth sides. And if we ignore those realities, there are subtle height changes due to conductive layers and intentional gaps that are formed, then I would call it a hexahedron shape. And that is the spirit that that was written in is ignoring those. I would call them microscopic deviations in the surface.
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5914 11:19:0215 11:19:0616 11:19:0917 11:19:1418 11:19:2119 11:19:2620 11:19:3021 11:19:3021	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough surface of atoms, so but we use the term anyway. Q. And so in terms of your construction on the macroscopic level, when does a three-dimensional object stop having a hexahedron shape? MR. SCHATZ: Objection, calling for	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0515 11:22:0816 11:22:1017 11:22:1718 11:22:2119 11:22:2520 11:22:2821 11:22:3222	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides ther exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a device, they don't have perfectly smooth sides. And if we ignore those realities, there are subtle height changes due to conductive layers and intentional gaps that are formed, then I would call it a hexahedron shape. And that is the spirit that that was written in is ignoring those. I would call them microscopic deviations in the surface. Q. And how microscopic are they? Do you have an
11:18:34 6 11:18:38 7 11:18:41 8 11:18:44 9 11:18:5111 11:18:5312 11:18:5613 11:18:5613 11:19:0215 11:19:0616 11:19:0917 11:19:1418 11:19:2119 11:19:2620 11:19:3021 11:19:3021	dialectric body has six major surfaces, major meaning macroscopic. A fellow picks up this capacitor with a pair of tweezers and say how many sides does that have, and he'd say six, it would be a hexahedron; but if you get a magnifying glass out or a microscope you see, oh, there's some conductive material, there's a little step in it, there's a little gap, you could have 14 sides, you could have a dozen sides on it. Is it a hexahedron at that point? Microscopically, no; macroscopically, yes. But there are no perfect hexahedrons in the universe, even on small enough, there's always a rough surface of atoms, so but we use the term anyway. Q. And so in terms of your construction on the macroscopic level, when does a three-dimensional object stop having a hexahedron shape? MR. SCHATZ: Objection, calling for speculation. Q. BY MR. SLONIM: In your expert opinion?	11:21:34 5 11:21:35 6 11:21:40 8 11:21:41 9 11:21:5711 11:22:0112 11:22:0213 11:22:0314 11:22:0515 11:22:0816 11:22:1017 11:22:1718 11:22:2119 11:22:2520 11:22:2821 11:22:3523	imperfections? A. Subtle height changes, little gaps that are formed. If we ignore those, then you could say, you know, that's a hexahedron. Q. But if you intentionally created a side in that three-dimensional object, and the number of sides then exceeded the six intentionally, would you still call it a hexahedron shape? A. I would call it MR. SCHATZ: Objection to the extent you're using the term intentionally. THE WITNESS: It's a by-product of building a device, they don't have perfectly smooth sides. And if we ignore those realities, there are subtle height changes due to conductive layers and intentional gaps that are formed, then I would call it a hexahedron shape. And that is the spirit that that was written in is ignoring those. I would call them microscopic deviations in the surface.

17 (Pages 62 to 65)

	Page 66		Page 68
11:22:50 1	Q. Why do you say that?	11:25:51 1	I would call those six major surfaces. Again, we're
11:22:51 2	A. Well, there's little features in there that	11:25:54 2	approximating its shape.
11:22:57 3	can be under one thousandths of an inch, two thousandths of		Q. Okay. Would a
11:23:03 4	an inch. They're acquired when you build such a device.	11:26:00 4	MR. SCHATZ: Shall we mark that building as an
11:23:08 5	ATC does it, Presidio does it, but I think a lot of people	11:26:08 5	exhibit? I would love to get its address.
11:23:13 6	call them hexahedron shape.	11:26:10 6	(A discussion was held off the record.)
11:23:15 7	Q. Would that boundary depend on the size of the	11:26:10 7	THE WITNESS: Whereas, I'd say, that building
11:23:19 8	capacitor, or the physical dimensions of the capacitor, of	11:26:12 8	is not, with the tower sticking out the top there.
11:23:23 9	the multi-layer capacitor?	11:26:14 9	So how do we define that? I don't know.
11:23:24 10	A. Wow. It's a whole that comes down to the	11:26:1710	Because the tower's 20 percent of its width? I don't know.
11:23:2410	creating a definition, doesn't it?	11:26:1710	I mean, it's a whole field of study. I'm sure people have
11:23:3312	Q. Well, I think that's the purpose of the claim	11:26:1911	spent a lot of time doing this. I haven't.
11:23:3512	construction exercise.	11:26:2512	Q. BY MR. SLONIM: And by the tower, you're
11:23:3513		11:26:2513	
11:23:3514	A. Okay. I would call it okay. The definition I would go with, the person holding it in a pair	11:26:2714	referring to that
			A. Cylindrical.
11:23:4016	of tweezers two feet away would call it a hexahedron. His eyesight couldn't pick up the small pertubations. Then I'd	11:26:3016	Q cylindrical on top of the A. Yeah.
11:23:4317		11:26:3417	
11:23:4818	be comfortable calling it a hexahedron. But then it's so	11:26:3518	Q. Not that sight tower, not the building with
11:23:5119	subjective, as you come in closer, people's eyesight with	11:26:3819	the sight tower. I'm not sure you can see it from where
11:23:5520	mag, you know, the microscope it's under, eventually	11:26:4120	you
11:24:0121	nothing is perfectly smooth. Take a brick, you get down	11:26:4121	A. No. Sorry. The white one with the grayish
11:24:0522	small enough, you'll find pores in it, and roughness, but	22	glass.
11:24:0923	we call it a hexahedron.	11:26:4423	Q. Where the cylindrical tower has a red ring on
11:24:1124	Q. So a brick is a hexahedron?	11:26:4724	top of that cylindrical? You can stand up if you
11:24:1325	A. It's a hexahedron shape; it's not a perfect	11:26:5025	A. Oh, that one. No, sorry. I was talking about
	Page 67		Page 69
11:24:16 1	hexahedron.	11:26:53 1	the white one there.
11:24:18 2	Q. Could you give me other examples of hexahedron	11:26:55 2	MR. SCHATZ: I'm going to object that we're
11:24:21 3	shape, other than a brick?	11:26:56 3	talking about buildings in the context of the '356 patent.
11:24:23 4	A. I would say that is so subjective, though,	11:27:01 4	Q. BY MR. SLONIM: Okay. Would you
11:24:39 5	you could say a book is approximately a hexahedron shape	11:27:02 5	MR. SCHATZ: And there are no buildings that
11:24:45 6	Q. Anything else?	11:27:05 6	are relevant to Dr. Godshalk's opinion, there are no
11:24:46 7	A. I'm sure I could think of others. Is this, I	11:27:09 7	buildings that are mentioned in Paragraph 24 of Exhibit 3
11:24:55 8	mean, is this appropriate to be going down this path for	11:27:14 8	Q. BY MR. SLONIM: Would you consider a
11:24:59 9	the claim construction?	11:27:18 9	pentagonal pyramid to have a hexahedron shape?
11:25:0010	Q. In your expert opinion, yes, absolutely.	11:27:2210	MR. SCHATZ: Objection.
11:25:0311	A. I guess I'm not sure where this is heading,	11:27:2211	Q. Within the meaning of Claim 19, in your
11:25:1112	this part here.	11:27:2512	construction?
11:25:1213	Q. I want to understand what hexahedron shape,	11:27:2513	MR. SCHATZ: Objection. What is that? What
11:25:1414	and I understand that we are trying to accept the	11:27:3014	are you referring to? Vague.
11:25:1915	imperfections and certain things with certain eyesight or	11:27:3215	Q. BY MR. SLONIM: Are you familiar with a
11:25:2316	getting closer, and I want to understand what other known	11:27:3516	pentagonal pyramid?
11 05 0515			
11:25:2717	shape, hexahedron shapes you know in your expert opinion	11:27:3717	A. I think I am.
11:25:2717	shape, hexahedron shapes you know in your expert opinion considered to be hexahedron shape?	11:27:3717	A. I think I am. Q. Can you draw one for me?
11:25:3318	considered to be hexahedron shape?	11:27:3718	Q. Can you draw one for me?
11:25:3318	considered to be hexahedron shape? A. Well, the building behind you	11:27:3718 11:27:3919	Q. Can you draw one for me?A. My art quality's probably a question here.
11:25:3318 19 11:25:3520	considered to be hexahedron shape? A. Well, the building behind you MR. SCHATZ: Objection. Objection. You're	11:27:3718 11:27:3919 11:27:4620	Q. Can you draw one for me?A. My art quality's probably a question here.Okay. It's hard to put the other side on. Okay, I'll put
11:25:3318 19 11:25:3520 11:25:3621	considered to be hexahedron shape? A. Well, the building behind you MR. SCHATZ: Objection. Objection. You're considering it as it's used in Claim 19 of the '356 patent?	11:27:3718 11:27:3919 11:27:4620 11:27:5221	Q. Can you draw one for me? A. My art quality's probably a question here. Okay. It's hard to put the other side on. Okay, I'll put dotted lines here. (Witness complies.) Five-sided.
11:25:3318 19 11:25:3520 11:25:3621 11:25:4022	considered to be hexahedron shape? A. Well, the building behind you MR. SCHATZ: Objection. Objection. You're considering it as it's used in Claim 19 of the '356 patent? Q. BY MR. SLONIM: Yes.	11:27:3718 11:27:3919 11:27:4620 11:27:5221 11:28:0222	 Q. Can you draw one for me? A. My art quality's probably a question here. Okay. It's hard to put the other side on. Okay, I'll put dotted lines here. (Witness complies.) Five-sided. Q. That's what you consider to be a pentagonal
11:25:3318 19 11:25:3520 11:25:3621 11:25:4022 11:25:4123	considered to be hexahedron shape? A. Well, the building behind you MR. SCHATZ: Objection. Objection. You're considering it as it's used in Claim 19 of the '356 patent? Q. BY MR. SLONIM: Yes. A. Okay. The building behind you, if you ignore	11:27:3718 11:27:3919 11:27:4620 11:27:5221 11:28:0222 11:28:1123	 Q. Can you draw one for me? A. My art quality's probably a question here. Okay. It's hard to put the other side on. Okay, I'll put dotted lines here. (Witness complies.) Five-sided. Q. That's what you consider to be a pentagonal pyramid?

18 (Pages 66 to 69)

	Page 70		Page 72
11:28:21 1	we'll mark this as an exhibit so we're sure what we were	11:32:10 1	he answers.
11:28:26 2	talking about?	11:32:11 2	MR. SLONIM: Absolutely.
11:28:27 3	A. (Witness complies.) I'm going to put a	11:32:11 3	MR. SCHATZ: I'm going to take a short
11:28:41 4	question mark, because I'm not sure.	11:32:14 4	restroom break so you can do that.
11:28:43 5	Q. I understand that.	5	(A recess was taken from 11:32 a.m. to 11:34
11:28:44 6	Can we mark that as Exhibit 4, please?	11:32:15 6	a.m.)
11:28:49 7	(Deposition Exhibit No. 4 was marked for	11:34:26 7	Q. BY MR. SLONIM: Do you remember the question?
11:29:04 8	identification.)	11:34:37 8	A. No, I don't.
11:29:04 9	Q. And so this pentagonal pyramid that you've	11:34:38 9	Q. Let me repeat that.
11:29:1210	drawn, or the approximation, in Exhibit 4, is that a	11:34:4010	So looking at the pentagonal pyramid on Page 2
11:29:1811	hexahedron? Does it have a hexahedron shape, as you've	11:34:4911	of Exhibit 5
11:29:2112	defined it?	11:34:5312	A. I see it.
11:29:2213	A. The drawing I have made I would not call a	11:34:5413	Q do you consider that, in your expert
11:29:2614	hexahedron.	11:34:5614	opinion, to have a hexahedron shape as you have defined it?
11:29:2715	Q. Why not?	11:35:0015	A. Well, I think I have to.
11:29:2816	A. It has five major surfaces.	11:35:0816	Q. Is that yes?
11:29:3317	Q. Does it have any minor surfaces, other than	11:35:1117	A. Yes.
11:29:3618	the imperfections where the	11:35:1117	Q. Do you consider the if you could label in
11:29:3819	A. Not intentionally.	11:35:2019	your copy of Exhibit 5 all the objects, the
11:29:39:20	Q. So it has five surfaces, so it's a five-sided	11:35:2820	three-dimensional objects in this row, with A or B, so we
11:29:3320	object?	11:35:3221	can refer.
11:29:4321	A. That's what I tried to draw.	11:35:3221	A. Sure, A, B, C, D, okay.
		11:35:3222	•
11:29:4523	Q. So a five-sided object would not have a		Q. Would you consider the pyramid that you've
11:29:5224	hexahedron shape, is that a fair statement, in your expert	11:35:4024	labeled as C in Exhibit 5 to have a hexahedron shape as you
11:29:5525	opinion?	11:35:5025	have defined it?
	Page 71		Page 73
11:29:55 1	A. If we're talking major surfaces, I would agree	11:35:51 1	A. Well, not as I define it, but as they defined
11:29:59 2	with you.	11:35:54 2	it.
11:29:59 3	MR. SLONIM: Can we mark this as an Exhibit 5,	11:35:54 3	Q. So it's not a hexahedron shape under the so
11:30:45 4	please?	11:36:01 4	a capacitor in that shape would not have a hexahedron
11:30:48 5	(Deposition Exhibit No. 5 was marked for	11:36:04 5	shape?
11:30:48 6	identification.)	11:36:04 6	A. I was using the regular hexahedron definition
11:30:48 7	Q. BY MR. SLONIM: And I would represent to you	11:36:12 7	as what I would say conventional use.
11:30:56 8	that Exhibit 5 is a printout from the web site	11:36:17 8	Q. And what is the regular
11:31:03 9	answers.com	11:36:20 9	A. Well, this would be a regular hexahedron, the
11:31:0410	A. Mm-hm (affirmative response).	11:36:2210	six-sided box. But do not these have six sides, these
11:31:0411	Q about hexahedron.	11:36:3211	other ones, so, by strict definition, they are hexahedron.
11:31:0812	A. Got it.	11:36:3612	MR. SCHATZ: I think the question relates to
11:31:0813	Q. And if you turn to Page 2 of that printout	11:36:3813	the '356 patent.
11:31:1514	there is a bottom row of three-dimensional objects, and the	11:36:3914	THE WITNESS: In the '356, I was referring to
11:31:2515	second one in that row next to the cube I think is labeled	11:36:4315	what I call a regular hexahedron.
11:31:3316	a pentagonal pyramid.	11:36:4516	Q. BY MR. SLONIM: Where is the word "regular" in
11:31:3517	A. It looks like I got that one wrong.	11:36:4717	your summary of your opinion?
11:31:3818	Q. I think you just missed one side.	11:36:4918	A. It is not in there.
11:31:4019	So looking at the pentagonal pyramid as drawn	11:36:5019	Q. Is the word "regular" in the language of
11:31:4520	in this Exhibit 5, would you say that in your claim	11:36:5520	Claim 19?
11:31:5021	construction the hexahedron shape that this pentagonal	11:36:5621	A. I don't think it is, but we should check.
11:31:5622	pyramid of this exhibit has a hexahedron shape as you've	11:37:0122	Q. Absolutely. I think it's Exhibit 1, the '356
11:32:0323	defined it?	11:37:0523	patent.
11:32:0524	MR. SCHATZ: I'm going to object and ask that	11:37:0524	A. Okay. Mm-hm (affirmative response).
11:32:0625	the witness be given time to review all of Exhibit 5 before	11:37:0525	Q. And I think Claim 19 is in Column 14.

19 (Pages 70 to 73)

	Page 74		Page 76
11:37:10 1	A. Okay. It does not say.	11:39:55 1	Q. In your expert opinion?
11:37:17 2	Q. So when you were construing the term a	11:39:56 2	A. It seems like it would be a subset of a
11:37:21 3	hexahedron shape, would it be fair to say that you were	11:40:00 3	parallelepiped.
11:37:25 4	really construing a term a regular hexahedron shape?	11:40:01 4	Q. So is the answer yes?
11:37:30 5	A. That is what I was assuming.	11:40:12 5	A. Yes, I would think it is.
11:37:32 6	Q. So you were not construing the literal	11:40:14 6	Q. And so in your expert opinion, only Figure A,
11:37:37 7	language of the claim that reads, "The capacitor of Claim 1	11:40:18 7	as you've labeled it on Exhibit 5, has a hexahedron shape
11:37:41 8	wherein the dialectric body has a hexahedron shape"; is	11:40:23 8	as you've defined it in, for Claim 19; is that fair to say?
11:37:45 9	that fair to say?	11:40:28 9	MR. SCHATZ: Are you just referring to Options
11:37:4610	A. In my mind, it was what we'd call a regular	11:40:3210	A, B, C and D? I'll object, the question's vague.
11:37:5011	hexahedron.	11:40:4011	THE WITNESS: I was not implying that it has
11:37:5112	Q. What other geometrically proper names would a	11:40:4212	to be a cube. This is, was shown as a cube, and it's not
11:37:5713	regular hexahedron have, in your expert opinion?	11:40:4513	cubic, the capacitor, the sides aren't all the faces are
11:38:0114	A. A cube. Well, it's an elongated cube.	11:40:5414	not all equal size.
11:38:0615	Q. Would a rectangular parallelepiped?	11:40:5615	Q. BY MR. SLONIM: And so if the pentagonal
11:38:2016	MR. SCHATZ: Objection. Do you know what tha	11:41:0116	pyramid as labeled B as in Exhibit 5, you consider that not
11:38:2117	is?	11:41:0817	to have hexahedron shape as you've defined it for Claim 19:
11:38:2118	THE WITNESS: Yeah. Well, I my	11:41:1218	is that correct?
11:38:2319	understanding, the sides don't necessarily have to be	11:41:1219	A. That's not what I meant when I wrote it.
11:38:2720	parallel. It's taking a box essentially, and you could	11:41:1520	Q. What is your opinion here today?
11:38:2921	move it around like that (indicating). They don't have to	11:41:2021	A. Okay. My opinion on hexahedrons or
11:38:3322	have normal corners with 90 degrees with respect to each	11:41:2722	Q. Your opinion whether a pentagonal pyramid,
11:38:3623	other.	11:41:3323	particularly one labeled B in Exhibit 5, whether that would
11:38:3624	Q. That's the parallelepiped?	11:41:4024	fall within the scope of your definition of a hexahedron
11:38:3825	A. Mm-hm (affirmative response).	11:41:4425	shape as you have defined it previously?
	Page 75		Page 77
11:38:38 1	Q. The rectangular parallelepiped. Do you	11:41:49 1	MR. SCHATZ: That is in the context of the
11:38:41 2	understand what a rectangular parallelepiped	11:41:50 2	'356 patent?
11:38:43 3	A. Well, I guess I'm not sure what the difference	11:41:55 3	Q. BY MR. SLONIM: Correct.
11:38:45 4	is between a rectangular and just a parallelepiped. Is a	11:41:55 4	A. It's not what I was thinking of when I wrote
11:38:48 5	rectangular where you force the corners to 90 degrees, all	11:41:57 5	my definition.
11:38:50 6	of them?	11:41:58 6	Q. I understand that, but you haven't answered my
11:38:51 7	Q. In your expert have you ever encountered in	11:42:00 7	question.
11:38:54 8	your	11:42:01 8	A. Okay. I'm not trying to be evasive. I'm just
11:38:55 9	A. I know the name, but I don't feel competent to	11:42:03 9	having trouble recalling it.
11:39:0310	give you an answer on that.	11:42:0510	Q. Let me repeat that.
11:39:0411	Q. You don't have an expert opinion on it?	11:42:0611	A. Okay.
11:39:0612	A. I don't.	11:42:0612	Q. Is your opinion, sitting today
11:39:0613	Q. If you were to look at the Exhibit 5, on	11:42:0813	A. Today, revised after seeing your material?
11:39:2114	Page 2 above, there is an exam of a parallelepiped.	11:42:1114	Okay.
11:39:2615	A. That's what I was thinking.	11:42:1115	Q. Exactly.
11:39:2916	Q. Could you label the particular shape you were	11:42:1416	A. Okay.
11:39:3617	thinking about?	11:42:1417	Q. Seeing that a pentagonal pyramid is, consider
11:39:3718	A. This is what I was thinking as a	11:42:2318	it, has six sides and therefore is considered to be a
11:39:3819	parallelepiped, you can take a box and you're allowed to	11:42:2519	hexahedron
11:39:4120	move the upper and lower surface, for example, with respec	11:42:2620	A. Yes, I agree with you.
11:39:4421	to each other, but the side lengths are all maintained	11:42:3021	Q. Does that mean that a pentagonal pyramid has a
11:39:4622	constant length, so they'll track each other.	11:42:3522	hexahedron shape as you have defined it in the context of
	8, ,		
11:39:4923	Q. And do you consider a cube to be a rectangular	11:42:4023	the '356 patent?
11:39:4923 11:39:5324		11:42:4023 11:42:4224	the '356 patent? A. By my definition, no, because I was referring

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	Page 78		Page 80
11:42:50 1	Q. And what's your definition of the regular	11:46:01 1	describe capacitors of the shape similar to the one in our
11:42:53 2	hexahedron?	11:46:05 2	claim. It's a conventionally used term to say hexahedron
11:42:59 3	A. Six sides that are nominally 90 degrees in all	11:46:10 3	to describe these six-sided objects with nominally 90
11:43:01 4	corners.	11:46:13 4	degrees in the corner.
11:43:02 5	Q. Let's look on Page 3 of Exhibit 5.	11:46:14 5	Q. But you would agree that the term hexahedron
11:43:21 6	A. Okay.	11:46:21 6	covers any object with six sides?
11:43:21 7	Q. If you see on the second row of figures	11:46:23 7	A. Yeah, encompasses much more, I agree.
11:43:29 8	A. Mm-hm (affirmative response).	11:46:25 8	Q. And would you agree, also, that the term
11:43:30 9	Q. There are here in this exhibit they're called	11:46:30 9	hexahedron does not define a shape?
11:43:3510	concave figures. If you could label them also with	11:46:3510	A. Yeah, in its widest definition, I would agree
11:43:4011	could you give them different letters?	11:46:4211	with you.
11:43:4312	A. Oh, certainly.	11:46:4312	Q. Would you also agree that the patent, the '356
11:43:4413	Q. I think we've used A, B, C, D.	11:47:4513	patent that we're construing here is also silent about a
11:43:4614	A. How about 1, 2, 3?	11:47:5014	regular hexahedron shape or regular parallelepiped?
11:43:5015	Q. That's fine. So, would Figure 1, do you agree	11:47:5915	MR. SCHATZ: Objection, vague. And if you
11:43:5316	that concave Figure 1 as you've labeled 1 in this	11:48:0116	need to time to review the patent, feel free to do so.
11:44:0017	Exhibit 5, has six sides?	11:48:0917	THE WITNESS: I'll just look at it a minute
11:44:0118	A. I would, yes.	11:48:1218	here.
11:44:0219	Q. And in terms of your expert opinion, would a	11:48:2419	My opinion is that although it may not be
11:44:0620	capacitor in this form of Figure 1 of Exhibit 5, would that		exactly stated, regular hexahedron, the drawings all imply
11:44:1221	have a hexahedron shape as you have defined it in your	11:48:3421	it to be what I would call a regular hexahedron.
11:44:1522	expert opinion?	11:48:3822	Q. BY MR. SLONIM: And by saying regular
11:44:1623	A. If my definition is defined as a regular	11:48:4323	hexahedron, would you consider Figure D on Page 2 of
11:44:2724	hexahedron, then it does not, if we accept that as my	11:48:5324	Exhibit 5 to be a regular hexahedron?
11:44:3125	definition. Have we accepted that? When you say my	11:48:5825	A. No, I would not.
	Page 79		Page 81
11:44:34 1	definition, did I mean regular hexahedron? I'm just	11:48:59 1	Q. Why not?
11:44:34 1	trying	11:48:39 1	A. Because it doesn't have a nominally 90 degree
11:44:40 3	Q. Well, I'm having trouble understanding what	11:49:04 3	corners.
11:44:42 4	your real definition is because as we've I think agreed	11:49:05 4	Q. And so when you are using the term "regular
11:44:48 5	before, Paragraph 24 where you talk about the hexahedron	11:49:09 5	hexahedron", are you really referring to a regular cube?
11:44:53 6	shape doesn't mention anything about regular hexahedron,	11:49:14 6	MR. SCHATZ: Objection, mischaracterizes his
11:44:57 7	the angles or anything else about it.	11:49:17 7	testimony.
11:44:59 8	A. You're right, it does not say it, you're	11:49:17 8	Q. BY MR. SLONIM: In your expert opinion?
11:45:01 9	right, so	11:49:19 9	A. I see.
11:45:0210	Q. That's why I'm having trouble understanding	11:49:2010	Q. Go ahead.
11:45:0411	what your opinion is and what it covers and does not cover		A. When I mean regular hexahedron, it could be a
11:45:0812	A. So may I give my definition for the record	11:49:2312	cube, or it could be an elongated cube.
11:45:1213	then, what I meant when I wrote this?	11:49:2713	Q. It could be either so a regular hexahedron
11:45:1514	Q. Yes.	11:49:3314	in your opinion for the purpose of the '356 patent claim
11:45:1615	A. Okay.	11:49:3915	construction, could be a regular cube or a rectangular
11:45:1716	What I meant was a six-sided object, but what	11:49:4816	parallelepiped?
11:45:2217	I would call a regular hexahedron, implying nominally 90	11:49:4917	A. Yes, if that implies nominally 90-degree
11:45:2718	degrees in the corner. I realize from seeing your	11:49:5518	corners, yes.
11:45:3019	wonderful document here, it is a subset of the hexahedron	11:49:5519	Q. Do you understand that rectangular
11:45:3420	family.	11:49:5820	A. That implies 90 degrees in the corners,
11:45:3621	Q. And why did you decide to limit your	11:49:5921	correct?
11:45:4122	definition of a hexahedron shape to a particular subset of	11:50:0022	Q. What's your expert opinion on that?
11:45:4723	a hexahedron family?	11:50:0123	A. Well, I believe that is correct.
11:45:5324	A. It was based on one of the references, such as	11:50:0224	Q. I believe so, too.
11:45:5525	you provided, it's the term hexahedron is often used to	11:50:0325	A. Okay.

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	Page 82		Page 84
11:50:04 1	Q. And what are the opposed sides of a	11:52:46 1	axes that come together, correct.
11:50:29 2	hexahedron? How would you define the opposed sides of a	11:52:49 2	Q. Mm-hm (affirmative response),
11:50:33 3	hexahedron?	11:52:49 3	A. And the degrees, the angle between them is
11:50:33 4	A. All the major faces, or faces.	11:52:56 4	nominally 90 degrees between all three axes.
11:50:37 5	Q. Which ones of the major faces would you call	11:52:59 5	Q. Okay.
11:50:43 6	opposed?	11:53:03 6	A. I could draw that if you'd like.
11:50:44 7	A. Oh, well, opposed side, there would be six	11:53:05 7	Q. Yes. I'm just trying to make sure we're clear
11:50:49 8	pairs of opposed sides. You'd have them along a major axis	11:53:10 8	on it.
11:50:54 9	and a minor axis.	11:53:10 9	A. That these are all I'm sorry. Is that
11:50:5510	Q. Could you draw in Exhibit 5 in Figure A	11:53:1210	clear what I'm trying to draw, that you could essentially
11:51:0111	A. Yes.	11:53:1611	insert a cube into the corner. These are all symbolizing
11:51:0212	Q which is an example of a cube	11:53:1912	90 degrees and this vertex, for example, would be there
11:51:0413	A. Okay.	11:53:2113	(indicating).
11:51:0414	Q. Could you label the opposed sides?	11:53:2214	Q. And how does this drawing about multiple axes
11:51:1315	A. Okay.	11:53:2915	help you explain the opposed, what the opposed sides in
11:51:1416	Q. Maybe label the sides and then tell me which	11:53:3416	that regular
11:51:1617	ones would be opposed?	11:53:3517	A. I wouldn't I hadn't thought about how the
11:51:1818	A. All right.	11:53:4018	axes applied. What I would say, opposed sides, are you
11:51:1819	Q. And I understand there might be some so	11:53:4519	asking how I define that?
11:51:2120	let's say the front is 1.	11:53:4720	Q. Yes.
11:51:2321	A. Okay.	11:53:4721	A. That they have they're not adjacent to each
11:51:2322	Q. The back is 2.	11:53:5122	other. They do not have a common axis.
11:51:2423	A. Okay. I'm drawing an arrow to the back, the	11:53:5523	Q. They do not have a common edge?
11:51:2724	top will be 3, bottom's 4, left could be 5, right could be	11:53:5724	A. Correct.
11:51:3325	6. Okay.	11:53:5825	Q. So any sides that do not have a common edge,
	Page 83		Page 85
11:51:35 1	Q. Front is 1?	11:54:04 1	under your definition, would be opposed?
11:51:38 2	A. Yeah. That's what you said, and I agree with	11:54:08 2	A. Yeah, for a cube, or rectangular
11:51:42 3	that.	11:54:12 3	parallelepiped, if you're trying to
4	Q. Okay.	11:54:14 4	Q. Let's say looking at Figure D in Exhibit 5,
11:51:42 5	A. So, opposed sides I would call 1 and 2 are	11:54:19 5	which is a one type of a pentagonal pyramid
11:51:45 6	opposed, 3 and 4 are opposed, and 5 and 6 are opposed.	11:54:24 6	A. Mm-hm (affirmative response).
11:51:49 7	Q. And 3 and 6 are not opposed?	11:54:25 7	Q. Would you say it has opposed sides, within
11:51:51 8	A. Correct. They are adjacent sides.	11:54:32 8	your definition?
11:51:54 9	Q. And in terms of the axis that you were	11:54:33 9	A. Let's see. Boy, that's a hard one. I don't
11:51:5810	referring to, could you explain your definition of opposed	11:54:4910	know if you count the point where they all come together as
11:52:0311	in terms of that axis? I wasn't sure how that matters.	11:54:5111	a common connection, or not. I don't know.
11:52:0712	A. Oh, axis.	11:54:5412	You'd like to say your first instinct might be
11:52:0813	Q. Axis. I think you meant I think you said	11:54:5613	that this one and this far one are opposed, but they do
11:52:1014	axis, right?	11:55:0014	come together at that vertex, so, I don't know.
11:52:1115	A. No, I did not. If I said it, I didn't mean	11:55:0615	Q. What would you need to do to find out or come
11:52:1516	to. Did I say axis? Can you repeat what I said?	11:55:1116	to an expert conclusion on that?
11:52:1817	Q. I think I heard axis. You said major surfaces	11:55:1217	A. Um, yeah, I'd want to see what the strict
11:52:2618	and major axis or minor axis, and I understood it to be	11:55:1518	mathematical definition is of opposed sides. Does it
11:52:3119	A-X-I-S.	11:55:2119	can the sides be opposed and share a common vertex? I
11:52:3120	A. Okay, sorry. What I mean by axis, axii,	11:55:2520	don't know.
11:52:3621	multiple axes?	11:55:2521	Q. And so if we were to go back to the Claim 19
11:52:3822	Q. Right.	11:55:4322	in Exhibit 1, the '356 patent
11:52:3923	A. Okay, got it.	11:55:4923	A. Okay. Column 12, is that
11:52:3924	What I'm referring to in a regular or	11:55:5124	Q. Column 14.
11:52:4125	rectangular parallelepiped, in any vertex there's three	11:55:5225	A. Oh, 14. Sorry. I see it.

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	Page 86		Page 88
11:55:54 1	Q. So, you would agree that when a person of	11:58:47 1	A. No, go ahead.
11:56:05 2	skill in the art reads the following language, "The	11:58:48 2	Q. I'm trying to understand
11:56:10 3	capacitor of Claim 1 wherein the dialectric body has a	11:58:49 3	A. Sure.
11:56:14 4	hexahedron shape"	11:58:50 4	Q what your opinion is of this point.
11:56:16 5	A. Mm-hm (affirmative response).	11:58:52 5	I think I understood you to say that a
11:56:16 6	Q. The literal language of that claim would mean	11:58:58 6	hexahedron shape as you have understood and defined it,
11:56:25 7	that a hexahedron is a three-dimensional object with six	11:59:04 7	only covers a cube or a rectangular parallelepiped and
11:56:30 8	sides and it doesn't define a particular shape; is that a	11:59:12 8	you've I think told me before that Figures B, C and D in
11:56:34 9	fair statement from reading the literal language in	11:59:17 9	Exhibit 5 would be excluded from that definition; is that
11:56:3810	Claim 19?	11:59:2210	right?
11:56:3911	A. Okay. My opinion is that your the majority	11:59:2311	A. No.
11:56:4212	of people who read this would assume what we call either a		Q. And the B, C and D in Exhibit 5 are
11:56:4713	cube or a rectangular parallelepiped. That is my opinion.	11:59:2513	rectangular
11:56:5014	MR. SCHATZ: I'm going to interject an	11:59:2614	A. I wouldn't exclude them. I just hadn't
11:56:5215	objection that you're taking a phrase out of context of the	11:59:2915	thought of them. There's a difference there, I think.
11:56:5516	entire Claim 19, and that misconstrues and makes the	11:59:3216	Q. So as you sit here today, what's your expert
11:57:0017	question vague.	11:59:3417	opinion? Are the pentagonal pyramids
11:57:0418	THE WITNESS: Yeah, just from all the drawings	11:59:4018	A. Could you use one?
11:57:0519	and the summary, I would say that they would be	11:59:4119	Q B, C and D, are they covered by the phrase
11:57:0820	preconditioned to assume a regular hexahedron, or	11:59:4720	and the claim term "a hexahedron shape" as you have
11:57:1021	parallelepiped rectangular parallelepiped.	11:59:5021	construed it?
11:57:1422	Q. BY MR. SLONIM: But the literal language of	11:59:5122	A. Hm. Okay. As I have construed it
11:57:2223	the claim is much broader than a regular parallel than a	11:59:5623	Q. Yes.
11:57:3024	rectangular parallelepiped, including a cube?	11:59:5724	A I would say they're not covered by it.
11:57:3325	A. The literal definition of hexahedron shape,	12:00:0425	Q. And so if other types of, or other examples of
	Page 87		
	1490 07		Page 89
11:57:38 1		12:00:12 1	
11:57:38 1	you know, I can't deny it, it does take into you know,	12:00:12 1 12:00:17 2	hexahedron, I hope I'm making the right plural out of this,
11:57:42 2	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there,	12:00:17 2	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape,
11:57:42 2 11:57:45 3	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that	12:00:17 2 12:00:20 3	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal
11:57:42 2 11:57:45 3 11:57:49 4	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on	12:00:17 2 12:00:20 3 12:00:26 4	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled
11:57:42 2 11:57:45 3 11:57:49 4 11:57:52 5	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on that.	12:00:17 2 12:00:20 3 12:00:26 4 12:00:34 5	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled in the art would mean any hexahedron shape, including a
11:57:42 2 11:57:45 3 11:57:49 4	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on that. MR. SCHATZ: In the context objection.	12:00:17 2 12:00:20 3 12:00:26 4	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled in the art would mean any hexahedron shape, including a pentagonal pyramid, why you were excluding pentagonal
11:57:42 2 11:57:45 3 11:57:49 4 11:57:52 5 11:57:52 6	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on that. MR. SCHATZ: In the context objection. THE WITNESS: In the context of the patent,	12:00:17 2 12:00:20 3 12:00:26 4 12:00:34 5 12:00:39 6	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled in the art would mean any hexahedron shape, including a pentagonal pyramid, why you were excluding pentagonal pyramid and concave figures and other hexahedron shapes?
11:57:42 2 11:57:45 3 11:57:49 4 11:57:52 5 11:57:52 6 11:57:54 7	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on that. MR. SCHATZ: In the context objection. THE WITNESS: In the context of the patent, but all the supporting drawings, your normal man of	12:00:17 2 12:00:20 3 12:00:26 4 12:00:34 5 12:00:39 6 12:00:43 7	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled in the art would mean any hexahedron shape, including a pentagonal pyramid, why you were excluding pentagonal pyramid and concave figures and other hexahedron shapes? A. It's not an intentional exclusion. It's, if
11:57:42 2 11:57:45 3 11:57:49 4 11:57:52 5 11:57:52 6 11:57:54 7 11:57:56 8 11:58:01 9	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on that. MR. SCHATZ: In the context objection. THE WITNESS: In the context of the patent, but all the supporting drawings, your normal man of ordinary skill, or woman, who read this, I think that they	12:00:17 2 12:00:20 3 12:00:26 4 12:00:34 5 12:00:39 6 12:00:43 7 12:00:49 8	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled in the art would mean any hexahedron shape, including a pentagonal pyramid, why you were excluding pentagonal pyramid and concave figures and other hexahedron shapes? A. It's not an intentional exclusion. It's, if you read the summary or the patent and look at all the
11:57:42 2 11:57:45 3 11:57:49 4 11:57:52 5 11:57:52 6 11:57:54 7 11:57:56 8	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on that. MR. SCHATZ: In the context objection. THE WITNESS: In the context of the patent, but all the supporting drawings, your normal man of ordinary skill, or woman, who read this, I think that they would come to the same conclusion that this rectangular	12:00:17 2 12:00:20 3 12:00:26 4 12:00:34 5 12:00:39 6 12:00:43 7 12:00:49 8 12:00:53 9	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled in the art would mean any hexahedron shape, including a pentagonal pyramid, why you were excluding pentagonal pyramid and concave figures and other hexahedron shapes? A. It's not an intentional exclusion. It's, if you read the summary or the patent and look at all the figures, they're all what I would call these regular or
11:57:42 2 11:57:45 3 11:57:49 4 11:57:52 5 11:57:52 6 11:57:54 7 11:57:56 8 11:58:01 9 11:58:0410	you know, I can't deny it, it does take into you know, if you literally just take those two words out of there, certainly you're right, there's all these other shapes that fall under that definition. I can't argue with you on that. MR. SCHATZ: In the context objection. THE WITNESS: In the context of the patent, but all the supporting drawings, your normal man of ordinary skill, or woman, who read this, I think that they would come to the same conclusion that this rectangular parallelepiped.	12:00:17 2 12:00:20 3 12:00:26 4 12:00:34 5 12:00:39 6 12:00:43 7 12:00:49 8 12:00:53 9 12:00:56 10	hexahedron, I hope I'm making the right plural out of this, are not covered by your definition of a hexahedron shape, I'm trying to understand why you're limiting the literal language of the hexahedron shape, which to a person skilled in the art would mean any hexahedron shape, including a pentagonal pyramid, why you were excluding pentagonal pyramid and concave figures and other hexahedron shapes? A. It's not an intentional exclusion. It's, if you read the summary or the patent and look at all the figures, they're all what I would call these regular or rectangular parallelepiped structures, and I think that's
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	Page 90		Page 92
12:02:02 1	never entered my mind, so I don't I can't fairly comment	12:05:15 1	he would say no, it's not a hexahedron, but to your average
12:02:02 1	on if they're excluded, or not.	12:05:13 1	guy out in the field using a surface mount capacitor, but
12:02:07 3	Q. And in terms of your expert opinion about what	12:05:10 2	as that small cut, he'd probably still say, well, give me
12:02:07 3	a hexahedron shape is, would a three-dimensional object	12:05:21 4	that hexahedron shaped capacitor, so I can't give a
12:02:36 5	having seven sides have a hexahedron shape?	12:05:27 5	definitive answer on it.
12:02:30 5	MR. SCHATZ: Objection, calls for speculation.	12:05:27 5	Q. And how many sides would a and let's say a
12:02:43 7	Q. BY MR. SLONIM: You may answer.	12:05:43 7	former cube with all the vertices
12:02:43 7	A. Well, I would say if it had seven major	12:05:46 8	A. Knocked off?
12:02:44 8	surfaces, I would not call it a hexahedron. It all comes	12:05:46 9	Q knocked off intentionally, not by some
12:02:43 3	down to that definition, what is a face, you know, what	12:05:4910	imperfection in the manufacturing process.
12:02:5310	imperfections do you allow in it.	11	A. Sure.
12:02:5711	Q. Aside from the imperfections, if we were to	12:05:5112	Q. How many sides would that object have?
12:02:3912	cut, and I'm referring to Figure A in Exhibit 5, which is a	12:05:5112	A. Well, let's see, what are there are there
12:03:0413	cube, if we were to cut the	12:05:5714	eight corners? One, two, three, four, five, yeah, there's
12:03:1214	A. The corner off?	12:06:0015	eight, plus the original six faces, correct, so it would be
12:03:1515	Q a corner off intentionally, would that	12:06:0015	14; is that right?
12:03:1516	object	12:06:0316	Q. Yes.
12:03:2117	A. When does it stop being a hexahedron? Is	12:06:0417	Q. 1es. A. Now
12:03:2519	that	12:06:0518	Q. Would that be
12:03:2519	Q. That's right.	12:06:0820	A. It depends on
12:03:2520	A. That comes down to that question, what is a	12:06:0820	MR. SCHATZ: Objection, calls for opinion that
12:03:2822	major and what is a minor face?	12:06:0321	goes beyond the claim construction.
12:03:2822	Q. Let's say it's not due to an imperfection. I	12:06:1122	Q. BY MR. SLONIM: You may answer.
12:03:3323	understand that we've had a discussion about imperfections		A. Yeah, again, it's it depends on the
12:03:3724	and what it means.	12:06:2025	application of the word and how big the cuts are. If
12.03.3323		12.00.2025	
	Page 91		Page 93
12:03:40 1	If we intentionally cut it off, it's not an	12:06:23 1	they're just tiny little cuts that are not visible in
12:03:44 2	imperfection, we did a cut off, and now I think the object	12:06:27 2	normal use, I would say most people could still call it a
12:03:49 3	is, has seven sides, would you agree that if a vertex is	12:06:30 3	hexahedron shape.
12:03:57 4	cut off that three-dimensional object that was a cube	12:06:31 4	Q. Could you direct me in the patent to a section
12:04:02 5	before would have seven sides, major or minor?	12:06:34 5	which describes how one would determine what a what to
12:04:06 6	A. Seven sides, I can't deny that.	12:06:43 6	consider an imperfection in a minor side and how to
12:04:09 7	Q. So would that object with seven sides be a	12:06:46 7	distinguish a minor side from a major side?
12:04:13 8	have a hexahedron shape as you've defined it?	12:06:48 8	A. Well, I believe there's references to the
12:04:16 9	MR. SCHATZ: Objection, that calls for an	12:06:54 9	drawings where it talks about conductive materials. Is it
12:04:1910	analysis that goes beyond claim construction.	12:06:5910	10 and 11? Or no, I should look here. Oh, 12 and 13. I
12:04:2111	Q. BY MR. SLONIM: You may answer.	12:07:0711	would believe, I believe there are passages in the patent
12:04:2412	A. I think it's so subjective, I I don't know	12:07:1212	just talking about those being not opposed surfaces. I'd
12:04:2913	the answer to that one.	12:07:1513	have to dig through it. I honestly don't have it memorized
12:04:3114	Q. So sitting here today, you have no expert	12:07:1814	where that would be, though. We could hunt for those.
12:04:3315	opinion on that?	12:07:2015	Q. Do you believe that the patent describes how
12:04:3416	A. I don't have an opinion on it at this moment.	12:07:2316	to determine a major surface from a minor surface, how to
12:04:4017	Q. And you haven't considered that before?	12:07:2917	distinguish between them?
12:04:4418	A. Well, it gets down to how are you using the	12:07:3018	A. I don't think there's an exact phrase that
12:04:4919	term hexahedron shape. If you're trying to give an	12:07:3219	says this is a major surface and this is a minor surface.
12:04:5320	approximate shape and this little cut that you're talking	12:07:3520	Q. So it would be a fair characterization to say
12:04:5521	about is not noticeable, you know, from a distance you may		that the patent itself does not teach how to determine a
12:04:5922	still describe it as a hexahedron, but under a microscope,	12:07:4522	major surface from a minor surface?
12:05:0223	you'd say no, it's not, it has seven sides. So, to me, it	12:07:4723	MR. SCHATZ: Objection. Are you calling for
12:05:0624	doesn't seem like that there's a definitive answer on it.	12:07:4824	that question with respect to one skilled in the art or
12:05:1225	To a mathematician where everything's perfect,	12:07:5225	just the literal language of the patent itself?

24 (Pages 90 to 93)

	Page 94		Page 96
12:07:57 1	Objection, vague.	12:10:50 1	Q. And you've also colored in
12:07:58 2	Q. BY MR. SLONIM: You may answer.	12:10:55 2	A. Orange.
12:07:59 3	A. Well, in a grade-schooler picked it up, they	12:10:56 3	Q orange?
12:08:06 4	wouldn't learn what's major and minor, I agree with you.	12:10:57 4	A. Would you like to color yours?
12:08:09 5	But a person who uses surface monitor capacitors and is	12:10:59 5	Q. Thank you.
12:08:12 6	familiar with them, I think they would understand what is	12:11:03 6	And then you've colored in orange the
12:08:14 7	implied by opposed surfaces and what are major surfaces,	12:11:06 7	horizontal parts of contacts 12 and 13
12:08:18 8	and that, for example, the gap is considered minor and does	12:11:14 8	A. Mm-hm (affirmative response).
12:08:24 9	not influence the shape, you know, we call it hexahedron,	12:11:14 9	Q that, and I guess this space between them,
12:08:2710	even though, for example, it has a gap, so, it depends on	12:11:2210	is that what you meant, because I think there is a gap
12:08:3011	the reader.	12:11:2411	between those.
12:08:3112	Q. And is there a technical reference that you	12:11:2412	A. Yeah. I'm ignoring the change in height where
12:08:3913	can refer us to that describes how to determine a major	12:11:2813	this conductor material comes over. That's why I'm talking
12:08:4214	surface from a minor surface in this field?	12:11:3014	about the minor part that I when I say major surface, I
12:08:4815	A. Hm. None jump to mind at the moment, but it	12:11:3315	ignore those. I just sort of blend them in together.
12:08:5516	doesn't mean there aren't any. I can ponder that over. I	12:11:3616	Q. But otherwise, the gap between Pad 72 and Pad
12:09:0917	can't think of a reference that comes to mind that has a	12:11:4717	74, you would consider that to be a minor surface?
12:09:1218	clear discussion on that, but it doesn't mean it doesn't	12:11:5118	A. Correct, I would ignore it when
12:09:1519	exist, so	12:11:5319	Q. When you were
12:09:1820	Q. Could you please, on Exhibit 1, on the front	12:11:5420	A. Calling it my regular hexahedron or
12:09:2421	drawing on it, could you label the major surfaces, the	12:12:0021	rectangular parallelepiped.
12:09:2822	surfaces you consider to be major?	12:12:0122	Q. And when you are doing this, when you're
12:09:3023	A. Okay. I would consider	12:12:1323	determining what's a major versus a minor surface, does
12:09:3124	MR. SCHATZ: I'll object to the extent this	12:12:1524	that have any the relative area of the surface, is the
12:09:3225	is you're looking at a cross-section, not a	12:12:2725	ratio of the relative areas or of the areas of the
	Page 95		Page 97
12:09:36 1	three-dimensional image.	12:12:30 1	surfaces, is that what you take into account?
12:09:38 2	Q. BY MR. SLONIM: Understanding, with that	12:12:38 2	A. Qualitatively, yes.
12:09:39 3	understanding	12:12:40 3	Q. Do you agree in your expert opinion that
12:09:39 4	A. Okay.	12:13:11 4	capacitance is measured in farads?
12:09:40 5			
12.03.10 3	Q list on this	12:13:15 5	A. Hm. That is the most common way of measuring
12:09:45 6	A. Sure.	12:13:24 6	it, defining it.
12:09:45 6 12:09:45 7	A. Sure.Q cross-sectional presentation of that, could	12:13:24 6 12:13:26 7	it, defining it. Q. Do you know of any other ways of measuring
12:09:45 6 12:09:45 7 12:09:52 8	A. Sure. Q cross-sectional presentation of that, could you label that on the front page?	12:13:24 6 12:13:26 7 12:13:30 8	it, defining it. Q. Do you know of any other ways of measuring capacitance?
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9	A. Sure.Q cross-sectional presentation of that, could you label that on the front page?A. Yeah, alluding to Figure 14, if we accept it,	12:13:24 6 12:13:26 7 12:13:30 8 12:13:30 9	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710	 A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can 	12:13:24 6 12:13:26 7 12:13:30 8 12:13:30 9 12:13:4210	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact,
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that.	12:13:24 6 12:13:26 7 12:13:30 8 12:13:30 9 12:13:4210 12:13:4511	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen?	12:13:24 6 12:13:26 7 12:13:30 8 12:13:30 9 12:13:4210 12:13:4511 12:13:4912	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever.
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12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear.	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:4913 12:13:5614	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714 12:10:0915	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear. A. I would consider this a major surface, and I'm	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:4913 12:13:5614 12:14:0115	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would measure?
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714 12:10:0915 12:10:1116	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear. A. I would consider this a major surface, and I'm drawing the opposed ones in the same color.	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:4913 12:13:5614	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would measure? A. Yeah, that is the typical way that those
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12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714 12:10:0915 12:10:1116 12:10:1417	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear. A. I would consider this a major surface, and I'm drawing the opposed ones in the same color. Q. Okay. A. And then I would call this the other pair of	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:5614 12:14:0115 12:14:0116 12:14:0417	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would measure? A. Yeah, that is the typical way that those
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12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714 12:10:0915 12:10:1116 12:10:1118 12:10:1718 12:10:2119	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear. A. I would consider this a major surface, and I'm drawing the opposed ones in the same color. Q. Okay. A. And then I would call this the other pair of major surfaces there. Is that helpful? Q. Yes, it is.	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:4913 12:13:5614 12:14:0115 12:14:0116 12:14:0518 12:14:0518	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would measure? A. Yeah, that is the typical way that those Q. Skilled in the art? A skilled in the art would use. If you used some other arcane method, they
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714 12:10:0915 12:10:1116 12:10:1417 12:10:1718 12:10:2520	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear. A. I would consider this a major surface, and I'm drawing the opposed ones in the same color. Q. Okay. A. And then I would call this the other pair of major surfaces there. Is that helpful?	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:4913 12:13:5614 12:14:0115 12:14:0116 12:14:0417 12:14:0518 12:14:0719 12:14:0920	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would measure? A. Yeah, that is the typical way that those Q. Skilled in the art? A skilled in the art would use. If you used some other arcane method, they probably wouldn't get the other information across very
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714 12:10:0915 12:10:1116 12:10:1417 12:10:1718 12:10:2520 12:10:3021	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear. A. I would consider this a major surface, and I'm drawing the opposed ones in the same color. Q. Okay. A. And then I would call this the other pair of major surfaces there. Is that helpful? Q. Yes, it is. So you've colored it in blue the	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:5614 12:14:0115 12:14:0116 12:14:0417 12:14:0518 12:14:0719 12:14:0920 12:14:1221	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would measure? A. Yeah, that is the typical way that those Q. Skilled in the art? A skilled in the art would use. If you used some other arcane method, they probably wouldn't get the other information across very well. I'm not saying there isn't another way to do it, but
12:09:45 6 12:09:45 7 12:09:52 8 12:09:53 9 12:09:5710 12:10:0111 12:10:0212 12:10:0313 12:10:0714 12:10:0915 12:10:1116 12:10:1417 12:10:1718 12:10:2119 12:10:2520 12:10:3021 12:10:4022	A. Sure. Q cross-sectional presentation of that, could you label that on the front page? A. Yeah, alluding to Figure 14, if we accept it, it's a cross-section of something like in Figure 14, I can do that. Q. Absolutely. Can you do that with a pen? A. Not magic marker then? Q. Oh, that would be fine, just so we're clear. A. I would consider this a major surface, and I'm drawing the opposed ones in the same color. Q. Okay. A. And then I would call this the other pair of major surfaces there. Is that helpful? Q. Yes, it is. So you've colored it in blue the A. Vertical.	12:13:24 6 12:13:26 7 12:13:30 8 12:13:4210 12:13:4511 12:13:4912 12:13:5614 12:14:0115 12:14:0116 12:14:0417 12:14:0518 12:14:0719 12:14:0920 12:14:1221 12:14:14:22	it, defining it. Q. Do you know of any other ways of measuring capacitance? A. You could do it as a, I guess yeah, the coulombs per volt, you could give it as a ratio. In fact, I think that's originally how Coulomb did it, however many years ago, or whatever. Q. And so between coulombs per volt and a farad, are these the only two standard typical ways that you would measure? A. Yeah, that is the typical way that those Q. Skilled in the art? A skilled in the art would use. If you used some other arcane method, they probably wouldn't get the other information across very well. I'm not saying there isn't another way to do it, but it's not commonly known. Okay.

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12:14:21 1	MR. SLONIM: I think so.	13:12:37 1	in a fence. We'll call it a gap capacitor. Some people
12:14:24 2	MR. SCHATZ: Would now be a good time to take	13:12:54 2	call it a gap capacitor.
12:14:26 3	a break for lunch?	13:12:54 3	Q. So would it be fair to say that would be two
12:14:26 4	MR. SLONIM: Absolutely. For lunch?	13:12:58 4	pieces of metal or two conductive pieces in an edge-to-edge
12:14:31 5	MR. SCHATZ: Yes. It's 12:15, unless you plan	13:13:05 5	relationship let's say on the same plane, like you've drawn
12:14:38 6	on moving very quickly and finishing in the next half an	13:13:10 6	in Figure B
12:14:41 7	hour, we're going to take we're going to need to take a	13:13:10 7	A. Mm-hm (affirmative response).
12:14:43 8	break for lunch.	13:13:11 8	Q would always have a fringe-effect, would
12:14:44 9	MR. SLONIM: Can we do that at 1?	13:13:15 9	always form a fringe-effect capacitors?
12:14:4610	MR. SCHATZ: Dr. Godshalk, do you need a break	13:13:1810	MR. SCHATZ: I'll object, just to make a note
12:14:5111	for lunch?	13:13:1911	for the record that as Counsel is asking the question he's
12:14:5112	Well, I need a break for lunch, so I'm not	13:13:2212	positioning his hands opposed to each other in a planar
12:14:5313	going to wait until 1:00.	13:13:2813	relationship, and then I'll also object to the extent it
12:15:0114	THE WITNESS: I guess I'll be going with my	13:13:3114	calls for speculation.
12:15:0315	counsel to lunch then.	13:13:3615	Q. BY MR. SLONIM: You can answer the question.
12:15:0816	MR. SLONIM: You unilaterally define when	13:13:3816	A. Could you please repeat that question.
12:15:1017	we'll have lunch?	13:13:3917	Q. So would it be fair to say that two pieces of
12:15:1018	MR. SCHATZ: No. It's 12:15. I'm asking is	13:13:4518	metal or two conductive pieces in an edge-to-edge
12:15:1419	that an okay time, and I'm saying it's not appropriate to	13:13:4919	relationship like you've drawn in Figure B would always
12:15:1720	wait until 1:00 for lunch.	13:13:5320	have a fringe-effect capacitance, in general?
21	THE WITNESS: Because you're on east coast	13:13:5921	A. In general, yes.
12:15:1922	time.	13:13:5922	MR. SCHATZ: Objection. Calls for
12:15:1923	MR. SLONIM: Fine, we can have lunch. Let's	13:14:0123	speculation.
12:15:2024	be here at 1.	13:14:0324	Q. BY MR. SLONIM: You may answer.
12:15:2225	THE WITNESS: Works great. Thank you.	13:14:0425	A. Well, I was going to was going to say, in a
	Page 99		Page 101
1	(A recess was taken from 12:15 p.m. to 1:10	13:14:09 1	
		= 3 . = 1 . 0 , =	general sense, yes, but not necessarily as defined in the
12:15:26 2	p.m.)	13:14:11 2	'356 patent.
3		13:14:11 2 13:14:13 3	'356 patent. Q. Can we take a look at Exhibit 1, which is the
3 4	EXAMINATION	13:14:11 2 13:14:13 3 13:14:28 4	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify
3 4 13:10:39 5	EXAMINATION BY MR. SLONIM:	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the
3 4 13:10:39 5 13:10:39 6	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:46 6	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A?
3 4 13:10:39 5 13:10:39 6 13:10:50 7	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor?	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:46 6 13:14:50 7	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:46 6 13:14:50 7 13:14:52 8	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:46 6 13:14:50 7 13:14:52 8 13:14:55 9	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent?
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:46 6 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can.
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3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it.	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:46 6 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:03 10 13:11:10 11 13:11:13 12 13:11:16 13	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general?	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:46 6 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here.
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312 13:11:1613 13:11:1914	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it. Q. Could you draw me an example of a structure	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013 13:15:1013	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no fringe-effect capacitance?
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312 13:11:1613 13:11:1914 13:11:2615	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it. Q. Could you draw me an example of a structure that would have a parallel plate capacitors?	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013 13:15:1314 13:15:1415	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no fringe-effect capacitance? A. Not in terms of how we defined it in the '356
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312 13:11:1613 13:11:1914 13:11:2615 13:11:3016	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it. Q. Could you draw me an example of a structure that would have a parallel plate capacitors? A. Two-dimensional or three?	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013 13:15:1314 13:15:1415 13:15:1716	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no fringe-effect capacitance? A. Not in terms of how we defined it in the '356 patent.
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3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312 13:11:1613 13:11:1914 13:11:2615 13:11:3016 13:11:3917 13:11:4218	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it. Q. Could you draw me an example of a structure that would have a parallel plate capacitors? A. Two-dimensional or three? Q. Two-dimensional is fine. A. A cross-section. So these are the two plates	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013 13:15:11415 13:15:1415 13:15:1716 13:15:1717 13:15:2218	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no fringe-effect capacitance? A. Not in terms of how we defined it in the '356 patent. Q. But let's say what's your general definition of the fringe-effect capacitance as you've illustrated in
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312 13:11:1613 13:11:1914 13:11:2615 13:11:3016 13:11:3917 13:11:4218 13:11:4819	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it. Q. Could you draw me an example of a structure that would have a parallel plate capacitors? A. Two-dimensional or three? Q. Two-dimensional is fine. A. A cross-section. So these are the two plates here (indicating), a capacitor there for you. Q. Could you label that as a Figure A? A. Okay. (Witness complies.)	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013 13:15:1013 13:15:1716 13:15:1717 13:15:2218 13:15:2619	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no fringe-effect capacitance? A. Not in terms of how we defined it in the '356 patent. Q. But let's say what's your general definition of the fringe-effect capacitance as you've illustrated in Figure B?
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312 13:11:1613 13:11:2615 13:11:3016 13:11:3917 13:11:4218 13:11:4218 13:11:4819 13:11:5420 13:12:0021 13:12:0122	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it. Q. Could you draw me an example of a structure that would have a parallel plate capacitors? A. Two-dimensional or three? Q. Two-dimensional is fine. A. A cross-section. So these are the two plates here (indicating), a capacitor there for you. Q. Could you label that as a Figure A? A. Okay. (Witness complies.) Q. Excellent.	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013 13:15:1415 13:15:1717 13:15:2218 13:15:2619 13:15:2921 13:15:2921	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no fringe-effect capacitance? A. Not in terms of how we defined it in the '356 patent. Q. But let's say what's your general definition of the fringe-effect capacitance as you've illustrated in Figure B? A. If you're talking about fringe-effect capacitance that does not effect the high frequency performance, then you could draw it off the edges of the
3 4 13:10:39 5 13:10:39 6 13:10:50 7 13:10:54 8 13:11:01 9 13:11:0310 13:11:1011 13:11:1312 13:11:1613 13:11:2615 13:11:3016 13:11:3917 13:11:4218 13:11:4218 13:11:5420 13:12:0021 13:12:0122 13:12:1423	EXAMINATION BY MR. SLONIM: Q. What types of capacitances exist in a multi-layer ceramic capacitor? A. Broadly speaking, they're the parallel plate capacitances, and people would call that the principal capacitance. And then there are what some authors call gap capacitance, or other ones call fringe capacitances. Q. Any other types of capacitances, in general? A. Those two areas pretty much cover it. Q. Could you draw me an example of a structure that would have a parallel plate capacitors? A. Two-dimensional or three? Q. Two-dimensional is fine. A. A cross-section. So these are the two plates here (indicating), a capacitor there for you. Q. Could you label that as a Figure A? A. Okay. (Witness complies.) Q. Excellent. And could you draw me an example of a	13:14:11 2 13:14:13 3 13:14:28 4 13:14:36 5 13:14:50 7 13:14:52 8 13:14:55 9 13:15:0110 13:15:0311 13:15:0612 13:15:1013 13:15:114 13:15:1415 13:15:1717 13:15:2218 13:15:2619 13:15:2620 13:15:2921 13:15:3422 13:15:3823	'356 patent. Q. Can we take a look at Exhibit 1, which is the '356 patent. Can we go to Figure 2A? Could you identify the fringe-effect capacitances created or existing in the multi-layer ceramic capacitor depicted in Figure 2A? MR. SCHATZ: I'll object to the extent are you discussing fringe-effect capacitance in the context of the '356 patent or in the context removed from that patent? You can answer to the extent you can. THE WITNESS: Yeah. In terms of the '356 patent, there is no fringe capacitance here. Q. BY MR. SLONIM: In Figure 2A there is no fringe-effect capacitance? A. Not in terms of how we defined it in the '356 patent. Q. But let's say what's your general definition of the fringe-effect capacitance as you've illustrated in Figure B? A. If you're talking about fringe-effect capacitance that does not effect the high frequency performance, then you could draw it off the edges of the plates.
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	Page 102		Page 104
13:15:49 1	definition, could you draw me the fringe, the label, all	13:20:19 1	A. This is, in general, we're talking about?
13:15:55 2	such fringe-effect capacitances created in Figure 2A?	13:20:21 2	Q. Absolutely.
13:15:58 3	A. Yeah, as long as we understand that it's not a	13:20:21 3	A. Without respect to the '356 patent; is that
13:16:17 4	definition of not according to definition in the '356	13:20:24 4	correct?
13:16:23 5	patent.	13:20:25 5	Q. Without respect to the effect on high
13:16:23 6	Q. Correct. I think my question fairly	13:20:27 6	frequency performance.
13:16:27 7	A. They may be unusable capacitances; they may	13:20:28 7	A. Yes.
13:16:30 8	have no significance at all.	13:20:28 8	Q. So, limiting the definition of the
13:16:32 9	Q. Nonetheless, let's	13:20:32 9	fringe-effect to the edge-to-edge relationship
13:16:4310	A. (Witness complies.)	13:20:3510	A. Okay.
13:16:4711	Q. Starting with the first fringe-effect	13:20:3611	Q as opposed to stray
13:17:2612	capacitance which you've identified, could you tell me what	13:20:3812	A. Yes.
13:17:2913	physical elements form that first fringe-effect capacitance	13:20:3913	Q or other things, could you draw maybe in a
13:17:3314	that you identified in Figure 2A?	13:20:4114	different color
13:17:3415	A. I've drawn one from Plate 12 up to the	13:20:4515	A. I could use your blue pen if you want?
13:17:3916	external conductor material called 13 oh, no, sorry,	13:20:5116	Q. Could you draw me the fringe effect
13:17:4417	it's plate 10 prime, I'm sorry, from 10 prime to 13.	13:20:5517	capacitances formed in Figure 2A?
13:17:5018	Q. 10 prime to 13?	13:20:5818	A. Okay. Well, there would be this one here,
13:17:5219	A. Mm-hm (affirmative response). This little guy	13:21:0019	because we do have an edge-to-edge type relationship here
13:18:0420	here, between here and here (indicating), since they're	13:21:0420	(indicating).
13:18:0721	opposite polarity.	13:21:0421	Q. And that's between Plate 10?
13:18:0922	Q. And what's the next one?	13:21:0622	A. Prime.
13:18:1423	A. The next one I've drawn, there's one here,	13:21:0723	Q. 10 prime and end of Contact 13?
13:18:1824	from Plate 11, and I show it going up to Plate 10 prime.	13:21:1024	A. Yes. Yes.
13:18:2725	Q. And that would be a fringe-effect capacitance?	13:21:1225	Q. And they're on different levels?
	Page 103		Page 105
13:18:38 1	That was my question.	13:21:14 1	A. They can be on different levels.
13:18:39 2	A. It interesting, it's a a more accurate term	13:21:15 2	Q. They're offset?
13:18:48 3	for that one actually would be a stray capacitance.	13:21:19 3	A. Yes. I mean, principal, there could be one
13:18:51 4	Q. What's the difference?	13:21:24 4	between the facing edge of 12 and 13, but it's probably
13:18:52 5	A. It's a fine term. Fringe, they don't have to	13:21:28 5	unmeasurable because it would be terminated by Plate 10
13:19:02 6	be necessarily planar. Here's another example I'm drawing	13:21:31 6	prime, so it's arguable if it's of any significance.
13:19:08 7	here. Generally, the proximate ends of two conductors,	13:21:35 7	Q. But since they are opposing edges, metal
13:19:14 8	when you have a large plate and an end plate, which we've	13:21:41 8	A. It wouldn't have any meaningful fringe
13:19:20 9	drawn here, some people would call that a stray	13:21:44 9	capacitance.
13:19:2310	capacitance. It's a subtlety.	13:21:4510	Q. What do you mean by meaningful fringe
13:19:2411	Q. And so you would understand the stray	13:21:5111	capacitance?
13:19:2712	capacitance to be another example, an instance of the	13:21:5112	A. Nothing measurable.
13:19:3213	general fringe-effect capacities?	13:21:5313	Q. What distance do you think they are at in this
13:19:3314	A. I haven't thought about that. I haven't	13:21:5814	figure?
13:19:3815	thought of a definition. I haven't considered that.	13:21:5815	A. I don't have dimensions, I can't tell. I
13:19:4216	So I've drawn there's this principal	13:22:0016	wasn't asked to analyze that. Generally when you have a
13:19:4617	parallel plate capacitance here, and when you have one	13:22:0317	large plate coming out her, it will terminate all the stray
13:19:5018	long, extended plate, if you have the two plates that come	13:22:0818	fields long before it gets to the other one.
13:19:5219	edge to edge, some people would call this fringe	13:22:0919	Q. And by terminate, do you mean the capacitance
	capacitance, out to the sides, but when you have an	13:22:1220	of that large plate, the parallel plate capacitance of that
13:19:5420			
13:19:5420 13:19:5821	extended plate, sometimes a vernacular is to call is a	13:22:1721	large plate is much larger in farads than the value of the
13:19:5420 13:19:5821 13:20:0222	extended plate, sometimes a vernacular is to call is a stray capacitance. It's not most people think of	13:22:2522	fringe-effect?
13:19:5420 13:19:5821 13:20:0222 13:20:0423	extended plate, sometimes a vernacular is to call is a stray capacitance. It's not most people think of edge-to-edge generating fringe.	13:22:2522 13:22:2523	fringe-effect? A. Well, I'm saying there is a fringe capacitor
13:19:5420 13:19:5821 13:20:0222	extended plate, sometimes a vernacular is to call is a stray capacitance. It's not most people think of	13:22:2522	fringe-effect?

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	Page 106		Page 108
13:22:36 1	potential.	13:25:17 1	Q. Stray ones are out just, I think limiting the
13:22:37 2	Q. Mm-hm (affirmative response).	13:25:21 2	fringe-effect to the edge to edge.
13:22:38 3	A. So, I suppose in a most general sense you	13:25:22 3	A. Okay. There would be that one from the very
13:22:42 4	could say there is some residual capacitance between these	13:25:24 4	lowest plate. It doesn't have a label, but it's terminated
13:22:45 5	two, but it probably wouldn't be measurable.	13:25:28 5	on the left, which comes off of Contact 12, extends over,
13:22:52 6	Q. When you saw measurable, what makes a	13:25:32 6	and then it goes, there be would a fringe capacitor, it's
13:22:54 7	capacitance measurable? Do you	13:25:37 7	in a general sense to Contact No. 13, and then by the same
13:22:56 8	A. Put an AC current through and look at the	13:25:41 8	argument, there would be one, in a general sense it's
13:23:04 9	reactance of it, one over a mega C. You could I'm	13:25:44 9	there's, but in a practical sense it's not of any
13:23:1010	trying to think of, charge it up and discharge it, look at	13:25:4610	significance, between the bottom inside corners of 12 and
13:23:1211	the rate of discharge to a known resistor, put in a	13:25:4911	13.
13:23:1612	simulator, 3D simulator.	13:25:5212	Q. And then would there be fringe-effect
13:23:2013	Q. What's a 3D simulator?	13:25:5713	capacitance between traces, left and right traces 14?
13:23:2214	A. Like Ansoft Q3D is a good one. It solves	13:26:0214	A. Yes. But again, it's highly you'd have to
13:23:2615	Maxwell's equations. Actually, the HMSS product uses that	13:26:0815	have all the dimensions to know if it was important or not
13:23:3216	one. Essentially solve Maxwell's equations or Faraday's	13:26:1016	Q. But otherwise, it would be there. Okay. If
13:23:3717	law, you put in all the metal structures, and it solves all	13:26:1817	we move to Figure 9A
13:23:4018	of the math between them and tells you what the it knows	13:26:2018	A. Mm-hm (affirmative response).
13:23:4219	if you put a given charge on, what electric field is	13:26:2019	Q and do the same, would you mark the
13:23:4420	generated, and from electric field you get the voltage, and	13:26:2920	fringe-effect capacitances on that figure that would exist
13:23:4721	if you know the charge and the voltage, you can take the	13:26:3521	there?
13:23:5122	ratio and get the effective capacitance between them.	13:26:3622	A. (Witness complies.)
13:23:5623	Q. I see. And when you say that it's not	13:26:4023	Q. And could you tell me which ones you've
13:23:5924	measurable, this fringe-effect between top edges of 12 and	13:26:4424	A. Okay. I drew a small one from the top plate,
13:24:0525	13, you mean that under none of those methods you would get		the upper 11 plate, to the Contact 12. It's in the upper,
	Page 107		Page 109
			rage 10)
13.24.11 1	_	13.26.56 1	_
13:24:11 1	any kind of result, or	13:26:56 1	left-hand corner.
13:24:12 2	any kind of result, or A. No. I was thinking of practical measurement	13:26:57 2	left-hand corner. Q. What's the next one you drew?
13:24:12 2 13:24:14 3	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's	13:26:57 2 13:27:03 3	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66.
13:24:12 2 13:24:14 3 13:24:18 4	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at	13:26:57 2 13:27:03 3 13:27:07 4	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay.
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72.
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6 13:27:17 7	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones?
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:3210	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition,
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:3210	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small.
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810 13:24:4011	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:35 10 13:24:4011 13:24:4312	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not?	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small.
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:35 9 13:24:35 9 13:24:4011 13:24:4312 13:24:4613	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810 13:24:4011 13:24:4312 13:24:4613 13:24:4914	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not?	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:47 14	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them?
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810 13:24:4011 13:24:4312 13:24:4613 13:24:4914 13:24:5115	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics?	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:3210 13:27:3411 13:27:3612 13:27:4113 13:27:4714 13:27:4915	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810 13:24:4011 13:24:4312 13:24:4613 13:24:4914 13:24:5115 13:24:5216	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics, there's	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:47 14 13:27:49 15 13:27:52 16	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810 13:24:4011 13:24:4011 13:24:4011 13:24:4011 13:24:45115 13:24:5115 13:24:5216 13:24:5417	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics? A. Yeah, under the laws of physics, there's something there.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:47 14 13:27:49 15 13:27:52 16 13:27:52 17	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay A. But as far as '356, it doesn't exist.
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:35 9 13:24:35 9 13:24:4011 13:24:4011 13:24:4613 13:24:4914 13:24:5115 13:24:5216 13:24:5417 13:24:5618	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics? A. Yeah, under the laws of physics, there's something there. Q. Okay.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:47 14 13:27:49 15 13:27:52 16 13:27:52 17 18	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay A. But as far as '356, it doesn't exist. Q. I understand.
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:35 10 13:24:4011 13:24:4011 13:24:4011 13:24:4515 13:24:5618 13:24:5618 13:24:5619	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics? A. Yeah, under the laws of physics, there's something there. Q. Okay. A. It's probably of no use. It won't affect high	13:26:57 2 13:27:03 3 13:27:07 4 13:27:13 6 13:27:17 7 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:47 14 13:27:52 16 13:27:52 17	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay A. But as far as '356, it doesn't exist. Q. I understand. A. It's just too small.
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810 13:24:4011 13:24:4011 13:24:4011 13:24:4513 13:24:5115 13:24:5115 13:24:5618 13:24:5619 13:25:0120	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics? A. Yeah, under the laws of physics, there's something there. Q. Okay. A. It's probably of no use. It won't affect high per density performances claimed in this patent.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:17 7 13:27:26 8 13:27:26 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:47 14 13:27:49 15 13:27:52 16 13:27:52 17 18 13:27:54 19 13:27:55 20	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay A. But as far as '356, it doesn't exist. Q. I understand. A. It's just too small. Q. And would the same hold true for the top
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:3810 13:24:4011 13:24:4011 13:24:4613 13:24:4914 13:24:5115 13:24:5216 13:24:5618 13:24:5619 13:25:0120 13:25:0321	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics? A. Yeah, under the laws of physics, there's something there. Q. Okay. A. It's probably of no use. It won't affect high per density performances claimed in this patent. Q. With that caveat	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:17 7 13:27:26 8 13:27:26 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:47 14 13:27:49 15 13:27:52 16 13:27:52 17	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay A. But as far as '356, it doesn't exist. Q. I understand. A. It's just too small. Q. And would the same hold true for the top portions of 12 and 13, the edges of contacts 12 and 13 on
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:4011 13:24:4011 13:24:4613 13:24:4914 13:24:5115 13:24:5216 13:24:5618 13:24:5619 13:25:0120 13:25:0321 13:25:0422	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics? A. Yeah, under the laws of physics, there's something there. Q. Okay. A. It's probably of no use. It won't affect high per density performances claimed in this patent. Q. With that caveat A. Okay.	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:41 13 13:27:49 15 13:27:52 16 13:27:52 17 18 13:27:54 19 13:27:55 20 13:27:58 21 13:27:58 21	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay A. But as far as '356, it doesn't exist. Q. I understand. A. It's just too small. Q. And would the same hold true for the top portions of 12 and 13, the edges of contacts 12 and 13 on the top part?
13:24:12 2 13:24:14 3 13:24:18 4 13:24:26 5 13:24:28 6 13:24:32 7 13:24:34 8 13:24:35 9 13:24:35 10 13:24:4011 13:24:4011 13:24:4011 13:24:4011 13:24:5115 13:24:5115 13:24:5618 13:24:5618 13:24:5619 13:25:0120 13:25:0321 13:25:0523	any kind of result, or A. No. I was thinking of practical measurement equipment. It probably wouldn't be resolvable. It's there, but it's just so tiny that I'd be speculating at that point, if it's measurable, or not. I don't know the limits of the most current capacitance test equipment, if you could actually measure it or not. Q. Okay. A. So the principal one, the principal fringe capacitor would be the first one I drew there. Q. But otherwise you would agree that between the top portions of 12 and 13 there would be a fringe-effect capacitance, whether it's measurable or not? A. In a general sense. Q. Under the laws of physics? A. Yeah, under the laws of physics, there's something there. Q. Okay. A. It's probably of no use. It won't affect high per density performances claimed in this patent. Q. With that caveat A. Okay. Q. And so then moving down to are there any	13:26:57 2 13:27:03 3 13:27:07 4 13:27:08 5 13:27:13 6 13:27:26 8 13:27:28 9 13:27:32 10 13:27:34 11 13:27:36 12 13:27:41 13 13:27:47 14 13:27:49 15 13:27:52 16 13:27:52 17	left-hand corner. Q. What's the next one you drew? A. I drew then between corner 68 and 66. Q. Okay. A. And then I drew them between the minor faces or edges, I would call them, of 74 and 72. Q. Are there any other ones? A. Again, you could argue there's a tiny one between here and here, but by the '356 definition, it wouldn't do anything. It's not there by that definition, because it's just too small. Q. But otherwise, you also drew a fringe-effect capacitance created between bottom portions of contacts 12 and 13, between them? A. Yeah. In a general sense, it's there, but Q. Okay A. But as far as '356, it doesn't exist. Q. I understand. A. It's just too small. Q. And would the same hold true for the top portions of 12 and 13, the edges of contacts 12 and 13 on the top part? A. Oh, yes. The same argument there.

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	Page 110		Page 112
13:28:25 1	Q. Could you tell me in this figure where the	13:31:30 1	determine such a distance?
13:28:29 2	fringe-effect capacitances are?	13:31:32 2	A. No, I didn't.
13:28:32 3	A. Well, in the general sense, you'd have the	13:31:35 3	Q. Were you asked to do something
13:28:38 4	very tiny ones; by physics they're there. By the '356	13:31:38 4	A. No, I was not.
13:28:43 5	definition, you'd have some between 66 and 68 and 72 and	13:31:39 5	Q. Is that a subjective distance?
13:28:48 6	74, because they're close enough to affect the high	13:31:48 6	MR. SCHATZ: Objection. Vague.
13:28:54 7	frequency performance. So call them two classes of	13:31:51 7	THE WITNESS: What do you mean by subjective
13:28:58 8	fringe-effect capacitance there.	13:31:53 8	distance?
13:29:08 9	Q. And how close are these 66 and 68 or 72 and 74	13:31:54 9	Q. BY MR. SLONIM: How would somebody else be
13:29:1510	that you're saying that they fall into a different class of	13:31:5610	able to distinguish between when two edges come too close
13:29:2111	fringe-effect capacitances?	13:32:0111	to effect high frequency performance or are too distant
13:29:2212	A. Close enough where they start to affect the	13:32:0712	that they do not? What's the operative test?
13:29:2413	high frequency performance, extend the bandwidth.	13:32:1113	A. If you put the capacitor in to use a network
13:29:2814	Q. And so what is that distance in Figure 10A?	13:32:1714	analyzer, you'd have an interconnect through your lining,
13:29:3215	A. I don't know, I don't have the dimensions.	13:32:2515	cut a gap in it far enough apart where essentially there's
13:29:3416	They didn't give them to me.	13:32:2816	no signal getting through. You place this capacitor on top
13:29:3517	Q. So looking at Figure 10A, you can't say	13:32:3417	of there. What you can do is start with a gap too far, as
13:29:3918	whether it's close enough or not close enough?	13:32:4018	it's shown in Figure 2A, I think, is that it? Yeah, 2A.
13:29:4119	A. From the description in the patent, I know	13:32:4319	You'll see at very low frequencies for maybe you'll see
13:29:4520	that they, the summary explains that they do bring them	13:32:5020	transmissions where the capacitor's functioning as it
13:29:4821	close enough together. There's one typical dimension given	13:32:5321	should. Eventually, there's a lot of signal loss. The
13:29:5222	in the body of the effects on the order of two thousandths	13:32:5822	capacitor stops performing as a capacitor, and looks like
13:29:5623	of an inch, but it's close enough to affect the high	13:33:0223	an inductor.
13:30:0024	frequency performance of the capacitor.	13:33:0224	The '356 invention, as you close the gap up,
13:30:0225	Q. So two mils you're saying is	13:33:0925	you'll see signal strength increase as you bring the gap
	Page 111		Page 113
13:30:05 1	A. That is a number that appears in the summary.	13:33:12 1	closer together, so you're improving the high frequency
13:30:08 2	I don't know if it specifically refers to 10A, though.	13:33:18 2	performance of the capacitor, so it would be a measurable
13:30:14 3	The criteria that's given predominantly	13:33:26 3	way of doing it.
13:30:19 4	through '356 is that to be defined as a fringe capacitor in	13:33:28 4	Q. Could you give me an example of the network
13:30:25 5	this claim, it has to have a significant effect. Well,	13:33:37 5	analyzer that you were thinking in terms of this example,
13:30:28 6	significant's my word. Strike that.	13:33:40 6	particular piece of equipment?
13:30:30 7	Has to have an effect on the high frequency	13:33:41 7	A. Yeah. An Agilent 8510, old Hewlett-Packard,
13:30:33 8	performance.	13:33:51 8	8510 network analyzer.
13:30:33 9	Q. And so sitting here today, would you be able	13:33:53 9	Q. And how is it configured? Any particular
13:30:5010	to tell me what the sufficiently close distance at which	13:33:5810	parameters that it has to have?
13:30:5611	what's the boundary between sufficiently close that it does	13:33:5911	A. It measures what we call scattering
13:31:0112	have whatever high frequency effect and what's the distance	13:34:0312	parameters, or S parameters.
13:31:0413	that does not? Do you have that distance which you can	13:34:1013	Q. And does it measure the S parameters for the
13:31:0714	give in your expert opinion?	13:34:1514	multi-layer capacitor as a whole?
13:31:0815	A. I don't I can't give you	13:34:1615	A. It can. You would have perform calibration,
13:31:0916	MR. SCHATZ: Slow down and let me interject.	13:34:2116	it's called, to get accurate parameters, so
13:31:1117	Okay.	13:34:2517	But even uncalibrated, you would see this
13:31:1218	THE WITNESS: Okay.	13:34:3018	effect. You could see the '356 gap affecting the high
13:31:1219	MR. SCHATZ: I'm going to object. Are you	13:34:3719	frequency performance.
13:31:1420	asking in the form of distance?	13:34:3920	Q. And when you said that you start with a
13:31:1921	MR. SLONIM: I think the witness has answered	13:34:4721	distance that's too far, what is too far in terms of
13:31:2122	the question.	13:34:5322	distances?
12 21 2222	MR. SCHATZ: So I object to the question on	13:34:5323	A. Here we go.
13:31:2223			
13:31:2223	the basis the question's vague.	13:35:0024	MR. SCHATZ: I'll object to the extent that

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	Page 114		Page 116
13:35:05 1	THE WITNESS: I have not. Yeah, I have not.	13:37:42 1	even though technically it's a fringe capacitor here, there
13:35:06 2	This is a just a thought experiment, if you made a small	13:37:44 2	might be so much inductance getting around the corner, it
13:35:14 3	change in plates, the separation on the one in Figure 2A,	13:37:48 3	still might not help your high frequency performance, so
13:35:18 4	you'd probably see no significant change in the high	13:37:52 4	without the dimensions, I just can't give you a hard
13:35:21 5	frequency performance.	13:37:55 5	number.
13:35:21 5	Q. BY MR. SLONIM: I don't want to interrupt you		Q. And when you also said in your description of
	but when you say plates in Figure 2A, are you referring to	l	this test that you'd perform on the network analyzer, that
13:35:27 7	contacts 12 and 13?	13:38:00 /	you would start with a very low frequency. What is a very
13:35:37 8	A. Yes. Yes.		
13:35:38 9		13:38:11 9	low frequency?
13:35:3810	Q. So there you're saying that distance in Figure	13:38:1210	A. Oh, around a megahertz or so. A hundred
13:35:4311	2A is what you would consider too far?	13:38:1611	kilohertz. Depends on your product that you're developing.
13:35:4512	A. Correct.	13:38:2412	Q. So
13:35:4713	Q. And do you have any numerical failure for that	13:38:2513	A. Some people, it's high frequency.
13:35:5114	too far distance?	13:38:2714	Q. I see. I see. So the frequency is a function
13:35:5215	A. I don't.	13:38:3315	of the application?
13:35:5216	Q. And you've never considered what that too far	13:38:3416	A. Application, yeah. Broadband digital system,
13:35:5517	would be?	13:38:3817	a hundred kilohertz with be a fine lower frequency, a
13:35:5518	A. I have not done the calculation; I was not	13:38:4218	megahertz somewhere in there. Depends on the system, with
13:35:5819	provided the dimensions.	13:38:4619	that kind of number.
13:35:5920	Q. And sitting here today, in your expert	13:38:4720	Q. I see. And so if you were testing Figure 2A,
13:36:0221	opinion, with all your experience in the multi-layer	13:38:5221	capacitor Figure 2A
13:36:0722	capacitor field, you cannot give me that distance when it's	13:38:5422	A. Yes. Yes. Essentially is a parallel plate
13:36:1123	too far?	13:38:5723	capacitor without meaningful fringe capacitance.
13:36:1124	A. Well, what's too far?	13:39:0024	Q. What would be the very low frequency that you
13:36:1525	Q. Is 30 mils too far?	13:39:0425	would apply for this particular capacitor?
	Page 115		Page 117
13:36:18 1	A. Depends on the other dimensions. What size is	13:39:06 1	MR. SCHATZ: Objection, calls for speculation.
13:36:27 2	the whole capacitor? If the capacitor were a foot long,	13:39:08 2	There's not enough information been provided.
13:36:30 3	it's probably adequate. It's all a matter of ratios and	13:39:12 3	THE WITNESS: Yeah, I don't know the value of
13:36:34 4	proportions. So it's hard to give an absolute number	13:39:13 4	the capacitance. You could give me a value of capacitance,
13:36:38 5	without having all the dimensions.	13:39:17 5	and I could, but without that, I don't know.
13:36:42 6	Q. But otherwise, without having all the	13:39:20 6	Q. BY MR. SLONIM: Let's say a hundred
13:36:49 7	dimensions for Figure 2A	13:39:23 7	nanofarads?
13:36:51 8	A. Mm-hm (affirmative response).	13:39:25 8	MR. SCHATZ: Objection, calls for speculation.
13:36:52 9	Q you can't say from your expert experience	13:39:27 9	THE WITNESS: Yeah. So you want to know the
13:36:5410	that in Figure 2A there would not be any effect on high	13:39:3810	lower frequency that I would test to.
13:36:5911	frequency performance; there's something about Figure 2A	13:39:3911	Q. BY MR. SLONIM: I just want to understand
13:37:0212	that tells you that?	13:39:4112	exactly how you were testing, and you started with the
13:37:0313	MR. SCHATZ: Objection.	13:39:4613	distance between them, you said you can't estimate it. I'm
13:37:0514	Q. BY MR. SLONIM: Is that right?	13:39:4914	now working through the terms that you've mentioned to make
13:37:0615	MR. SCHATZ: Based on what the witness	13:39:5115	sure I understand what it is, and so the other expert can
13:37:0816	testified, he needs more information.	13:39:5616	perform the same test and understand what
13:37:1117	THE WITNESS: Yeah. It's just suggestive that	13:39:5917	A. I would start somewhere in the hundred
13:37:1318	the gap is so wide, like I said, the inner plates are	13:40:0318	depends. 8510 doesn't go down. I can remember the lower
13:37:1919	closer to it just looks too wide to me to be useful at	13:40:0719	frequency range of 8510, because there's 8753, and that
13:37:2720	high frequency.	13:40:1320	goes lower, but it doesn't go high enough. It would be
13:37:2821	Q. BY MR. SLONIM: And the inner plates you	13:40:1621	around a megahertz, that kind of number.
13:37:3022	started to say are closer to the respective opposing	13:40:1822	Q. One megahertz, basically, around
13:37:3523	contacts? Is that what you're saying, that the distance	13:40:2123	A. I'm just throwing that out.
13:37:3824	between the end of a plate on the	13:40:2324	Q. Around about one megahertz?
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	octation the olid of a plate off the	-3	2. Thousa about one meganeria:
13:37:4025	A. I can't tell without the dimensions because	13:40:2525	A. Yeah, I mean

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	Page 118		Page 120
13:40:25 1	MR. SCHATZ: Are you speculating?	13:43:53 1	intentionally created fringe-effect from I guess the
13:40:27 2	THE WITNESS: I am.	13:43:55 2	opposite would be a nonintentional?
13:40:27 3	MR. SCHATZ: Don't throw something out. Don't	13:43:57 3	A. Good question. If you read the patent,
13:40:30 4	speculate.	13:44:13 4	essentially you're trying to build an array of capacitors,
13:40:30 5	THE WITNESS: Okay.	13:44:17 5	I'm sure you've read that, of different values.
13:40:30 6	Q. BY MR. SLONIM: And when you said that in the	13:44:19 6	Q. Right.
13:40:35 7	process of this test you would observe a lot of signal	13:44:19 7	A. The very smallest value one being due to this
13:40:40 8	loss, what amount of signal loss would you be observing?	13:44:22 8	fringe capacitor, which is No. 79 in that drawing, so you
13:40:45 9	MR. SCHATZ: Objection, calls for speculation.	13:44:28 9	need to close the gap up so that if you read the patent it
13:40:4610	THE WITNESS: Yeah, without knowing the value	13:44:3110	talks about how it eliminates residences, parallel
13:40:5511	of the capacitance and all the paracytics, I don't know	13:44:3411	residences and decreases insertion loss at the upper
13:40:5912	what the loss would be versus frequency. I don't have	13:44:4112	frequencies.
13:41:0113	enough information to tell you that. Because you could	13:44:4513	Q. But my question was, how do you distinguish
13:41:0314	have two capacitors of the same value that are built very	13:44:5014	between an intentionally created fringe-effect and a
13:41:0615	differently, and then have wildly different figures, so I	13:44:5415	nonintentionally created? Let's say I'm not the creator of
13:41:1016	can't give you an accurate number.	13:44:5716	the capacitor, I receive it as a finished product, how
13:41:1117	Q. BY MR. SLONIM: So you're saying that two	13:45:0217	would I be able to understand which ones are in your
13:41:1718	capacitors from say different manufacturers that have a	13:45:0818	classification, your expert opinion, the intentionally
13:41:2019	hundred nanofarad capacitances could have vastly different	13:45:1119	created ones versus the nonintentionally created?
13:41:2820	asperometer data and performance values	13:45:1520	MR. SCHATZ: Objection, asked and answered.
13:41:3221	A. Yes, it's entirely possible.	13:45:1621	Objection, calls for hypothetical for Dr. Godshalk to
13:41:3522	Q. What is the reason that you haven't studied	13:45:2122	somehow put himself in the eyes of somebody else and
13:41:4923	this test method that you're proposing for this claim	13:45:2523	hypothetically determine what their intention is.
13:41:5424	construction?	13:45:2724	Q. BY MR. SLONIM: You may answer.
13:41:5525	A. I wasn't asked to do it.	13:45:3025	A. Okay. Can you repeat it again, then?
	Page 119		Page 121
13:41:57 1	Q. It was not your expert opinion that you needed	13:45:35 1	Q. How do you distinguish between an
13:42:00 2	to do that in terms of your own, before you proposed	13:45:42 2	intentionally created fringe-effect capacitance and a
13:42:05 3	A. I did not believe no, I didn't think I need	13:45:46 3	nonintentionally created fringe-effect capacitance?
13:42:06 4	to do it. I wasn't asked to do it, so the '356 patent	13:45:49 4	A. Let me just go to the claim that refers to
13:42:14 5	seemed clear enough, what we're getting at.	13:45:53 5	that.
13:42:17 6	Q. Are you saying that the '356 patent talks	13:45:53 6	Q. Absolutely.
13:42:25 7	about this method of analyzing this high frequency	13:45:54 7	A. Let's see. If you happen to have it bulleted.
13:42:27 8	performance? If you could point me to the	13:46:21 8	Here we go, in Paragraph 19. I think this wording pretty
13:42:30 9	A. No, I didn't say that.	13:46:35 9	much answers your question here. The original ones, claim
13:42:3110	It's clear from reading the '356 patent how	13:46:3810	element says, "the second contact being located
13:42:4211	the intentional creation of fringe capacitance will affect	13:46:4111	sufficiently close to the first contact to form a first
13:42:4512	the high frequency performance.	13:46:4512	fringe-effect capacitance with the first contact" and the
13:42:4913	Q. What's intentional creation of fringe-effect	13:46:4913	definition helps answer your question even better, it says,
13:42:5714	capacitance? Are you referring to a particular figure?	13:46:5114	"forming a capacitance between or proximate opposed ends of
13:42:5915	A. Yes, like 10A.	13:46:5515	the first and second conductive contacts which affects the
13:43:0016	Q. Okay.	13:46:5816	high frequency performance of the capacitor as a whole."
13:43:0117	A. Between 68 and 66 and 74 and 72.	13:47:0117	Q. Where are you reading, what paragraph?
13:43:0818	Q. And these are the intentionally created fringe	13:47:0318	A. Paragraph 19.
		13:47:0519	Q. But my question was, how do you distinguish
13:43:1419	capacitance?		
	capacitance? A. Yes, yes.	13:47:2020	between what you have called the intentionally created
13:43:1419	-		
13:43:1419 13:43:1520	A. Yes, yes.	13:47:2020	between what you have called the intentionally created
13:43:1419 13:43:1520 13:43:1521	A. Yes, yes.Q. How is it intentionally created? How are	13:47:2020 13:47:2321	between what you have called the intentionally created fringe-effect and a nonintentionally created fringe-effect?
13:43:1419 13:43:1520 13:43:1521 13:43:1922	A. Yes, yes. Q. How is it intentionally created? How are those intentionally created? Could you describe it?	13:47:2020 13:47:2321 13:47:2622	between what you have called the intentionally created fringe-effect and a nonintentionally created fringe-effect? I don't see those words "intentionally created

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	Page 122		Page 124
13:47:39 1	It's just using it in a novel way to affect the high	13:50:16 1	A. Between intentional and nonintentional?
13:47:43 2	frequency performance. That's an interesting it doesn't		Q. Right, fringe-effect, two classes of
13:47:48 3	say if it has to even be intentional, or not.	13:50:20 3	fringe-effect.
13:47:52 4	Q. So is it your opinion that it does have to be	13:50:20 4	A. No. I don't think I describe that in here.
13:47:56 5	intentional, as you've testified before, or it doesn't?	13:50:22 5	Q. Did you intend to describe that?
13:48:07 6	A. Does it have to be intentional or not. It	13:50:23 6	A. No, I didn't.
13:48:11 7	just has to affect the high frequency performance. I don't		Q. Why not?
13:48:15 8	know, are we debating if it's intentional or not? Is that	13:50:25 8	A. Because I didn't think that was actually the
13:48:18 9	relative to the claim?	13:50:28 9	central idea of the '356 patent. I think the central idea
13:48:1910	Q. You've used that phrase as it's two classes	13:50:3210	is the novel use of fringing capacitance to affect the high
13:48:2411	of fringe-effect.	13:50:3711	frequency performance.
13:48:2412	A. Yes.	13:50:4212	Q. If you were looking at Figure 10B, what is
13:48:2513	Q. You called one class an intentionally created	13:50:5113	that?
13:48:2914	fringe-effect.	13:50:5114	A. That is the equivalent circuit of 10A.
13:48:2915	A. Did I say that? I thought I said there was	13:50:5615	Q. Could you show me on that Figure 10B the two
13:48:3116	stray and fringe, and then there was parallel plate.	13:51:0816	fringe-effect capacitances that you've described?
13:48:3517	Q. I'm pretty much saying that what you've said	13:51:1117	A. There's 79 between plates, lower plates 74 and
13:48:3718	before about intentional	13:51:1718	72, and then actually they're treating, in this example,
13:48:3719	A. Did I say intentional?	13:51:2219	they have other ones later, between 66 and 68 they're
13:48:3920	Q. I believe you did.	13:51:2520	implying, actually, that is insignificant, that one,
13:48:4021	A. Did I? I honestly don't recall if I said	13:51:2821	because they're showing those, that capacitance terminating
13:48:4422	intentional, or not. I'm sure you can find it. I just	13:51:3222	in that floating plate in this example. Those would be
13:48:4823	don't know if I said that.	13:51:3423	capacitors 69 and 67.
13:48:5024	O. You did. That was the	13:51:3724	Q. So was your testimony incorrect, the prior
13:48:5225	A. What did I	13:51:4025	testimony that
	Page 123		Page 125
13:48:54 1	Q. You called the fringe-effect between 66 and 68	13:51:41 1	A. When I said between 66 and 68?
13:48:59 2	and plates 72 and 74 an intentionally created	13:51:44 2	Q intentionally created
13:49:04 3	fringe-effect.	13:51:45 3	A. I was incorrect. I was looking at the drawing
13:49:04 4	A. Okay.	13:51:47 4	here and, you know, I know it's between 72 and 74 is the
13:49:04 5	Q. And you contrasted that with	13:51:54 5	primary fringing capacitance.
13:49:06 6	A. Okay. I just couldn't remember.	13:52:00 6	Q. So you're changing your testimony that there
13:49:09 7	MR. SCHATZ: I'll object. That was not	13:52:02 7	is only one fringe-effect?
13:49:11 8	exactly what Dr. Godshalk said, so you're calling for	13:52:03 8	A. In a general sense
13:49:14 9	speculation on behalf of the witness based on	13:52:04 9	MR. SCHATZ: Objection, argumentative.
13:49:1810	mischaracterization of earlier testimony.	13:52:0710	THE WITNESS: In a general sense, there's
13:49:2311	THE WITNESS: It is understood in the '356	13:52:0911	fringe capacitance between 66 and 68. But in the '356
13:49:2712	patent that a fringe capacitance exists between those	13:52:1212	patent, yes, I'm amending my testimony, if you want to call
13:49:2913	plates. The product is designed with intention of a fringe	13:52:1613	it that. It is apparently not significant in this example.
13:49:3814	capacitance being there that affects high frequency	13:52:1914	Q. BY MR. SLONIM: Were you able to verify that?
13:49:4215	performance.	13:52:2315	A. I'm going by their equivalent circuit diagram.
13:49:4316	Q. BY MR. SLONIM: And how would I distinguish		That is what I am basing that on.
13:49:4517	between what you've called the type of fringe-effect,	13:52:2917	Q. And how do you do you know how that
13:49:5018	whether you call it intentional or some other term, that's	13:52:3118	equivalent diagram was created?
13:49:5419	between 66 and 68, and let's say fringe effect between 12	13:52:3319	A. I do not know.
13:49:5820	and 13, either the top portion or the bottom portion, how	13:52:3520	Q. Do you know who created it?
13:50:0121	do I distinguish between those fringe effects?	13:52:3721	A. I do not know.
13:50:0422	MR. SCHATZ: Objection, asked and answered.	13:52:3822	Q. Before you placed your reliance on the
13:50:0623	Q. BY MR. SLONIM: I don't see anything in	13:52:4423	equivalent diagram that you don't know who created one, how
13:50:0824	your is there anything in your expert opinion that helps	13:52:5124	could you be sure that you can rely on it?
13:50:1225	me understand what that distinction is and how	13:52:5325	A. I'm going by what's presented in the patent; I
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	Page 126		Page 128
13:52:56 1	feel that that's all I can do is trust what's in here.	13:55:59 1	did you spell out these credentials in your summary which
13:52:59 2	Q. So if this diagram is incorrect and for some	13:56:03 2	is Exhibit 3?
13:53:04 3	reason omitted the fringe-effect capacitance between 66 and	13:56:03 3	A. No, I did not.
13:53:09 4	68, would that change your opinion about fringe-effect in	13:56:04 4	Q. Why not?
13:53:16 5	66 and 68?	13:56:05 5	A. It wasn't called for.
13:53:17 6	MR. SCHATZ: I'll object to the extent it	13:56:07 6	Q. It was not important for that, for your
13:53:18 7	doesn't take into account the written description in the	13:56:10 7	summary?
13:53:22 8	'356 patent as well, so it's a hypothetical.	13:56:10 8	MR. SCHATZ: Objection, mischaracterization of
13:53:29 9	THE WITNESS: Yeah, and actually, this is	13:56:12 9	the testimony.
13:53:3310	it's not misleading necessarily, this drawing, and I don't	13:56:1210	Q. BY MR. SLONIM: Was it important for your
13:53:3711	think there is a mistake here, because you could argue that	13:56:1511	summary?
13:53:4312	if there is fringe capacitance that is significant between	13:56:1512	A. I made no judgment on whether it is or is not.
13:53:4613	66 and 68, it is subsumed into capacitor 79, since they are	13:56:1913	Q. But you had an opinion about, before you
13:53:5314	in parallel, so I think it's we can't make a decision in	13:56:2214	drafted the summary, of what those what that educational
13:53:5515	this room without the designer and his dimensions here.	13:56:2615	level and experience would be, had you?
13:53:5916	This this equivalent circuit accurately	13:56:2816	A. I would assume that the person reading this
13:54:0617	describes what's shown in 10A. You could just modify the	13:56:3217	judgment was of similar qualification that read the patent.
13:54:0918	value of 79.	13:56:3718	Q. Correct.
13:54:1319	Q. BY MR. SLONIM: And how would you modify the		My question was whether before you drafted
13:54:1620	value of 79 to account for the fringe-effect between 66 and	13:56:4420	this summary, you had formed an opinion about what the
13:54:2021	68?	13:56:4921	level of experience and education that person of ordinary
13:54:2322	MR. SCHATZ: Objection. Calls for a	13:56:5422	skill would have?
13:54:2523	hypothetical, and it's not something that Dr. Godshalk has	13:56:5523	A. Yeah.
13:54:2924	offered any testimony on.	13:56:5524	Q. Had you done that before this summary was
13:54:3025	THE WITNESS: Yeah.	13:56:5825	drafted? It's a yes or no question, as far
	Page 127		Page 129
12 54 21 1	_	12 57 02 1	A. Yes.
13:54:31 1 13:54:33 2	Q. BY MR. SLONIM: In your expert opinion? A. How would I modify 79 to account for it	13:57:03 1 13:57:04 2	Q. So you formed that opinion about the
13:54:33 2	between I would have to measure the high frequency	13:57:04 2	educational qualifications before you drafted the summary,
13:54:41 3	performance.	13:57:00 3	but you didn't include that description of the level of
13:54:48 4	Q. And where in the patent is this measurement of	13:57:09 4	the
13:54:30 5	high frequency performance described in detail?	13:57:16 6	A. Correct, I did not include it.
13:55:04 6	MR. SCHATZ: Well, let's take a break so	13:57:17 7	Q. Why not?
13:55:08 8	Dr. Godshalt can review the entire patent and give you his		A. I didn't think it was necessary.
13:55:11 9	references, if that's what you're asking him to do.	13:57:18 8	Q. Did you also include the, what the relevant
13:55:14 10	Q. BY MR. SLONIM: You can take your time to	13:57:2810	art or field is of this patent into your summary?
13:55:1611	answer the question.	13:57:3211	A. The intended use of the device, you mean?
13:55:2312	A. I was explaining what I would have to do.	13:57:3712	Q. No. What the relevant field of the patent is,
13:55:2713	That's how I would do it. I don't think it's described	13:57:4213	because if we're talking about a person of ordinary skill
13:55:3014	measuring it in here.	13:57:4414	in the art
13:55:3215	Q. Would you agree that somebody else could not	13:57:4715	A. No.
13:55:3916	understand how to do it based on the description of the	13:57:4816	Q what is the art? What is the relevant art?
13:55:4317	patent if you think it's not described?	13:57:5017	You can take a look.
13:55:4518	A. I think it's very clear.	13:57:5218	A. Let me look at it.
13:55:4619	Anybody, I think a person who is qualified to	13:57:5519	Q. Absolutely.
13:55:4920	read this patent and use this product would understand it.	13:57:5620	MR. SCHATZ: Is the question whether it is in
13:55:5121	Q. Who is that person who is qualified, in your	13:57:5721	summary?
13:55:5422	opinion?	13:58:0422	MR. SLONIM: Yes.
13:55:5423	A. The credentials of that person?	13:58:0423	MR. SCHATZ: So the question is, is it in your
13:55:5724	Q. Right, to read that.	13:58:0724	summary?
13:55:5825	First of all, before you answer that question,	13:58:0925	THE WITNESS: Is the level, what do you call
	i not of an, before you answer that question,		TILL WILLIAMS. IS the level, what do you call

33 (Pages 126 to 129)

13:58:14 1 it	Page 130		Page 132
	?	14:04:19 1	qualification of the designer of these capacitors which you
13:58:14 2	Q. BY MR. SLONIM: Level of	14:04:24 2	consider
13:58:16 3	A. Experience?	14:04:24 3	A. Sure. Yeah, somebody who used these?
13:58:16 4	Q experience and education of a person of	14:04:26 4	Q. Somebody who designs multi-level capacitors.
13:58:20 5 o	rdinary skill.	14:04:29 5	I think we're going on you have two parts.
13:58:20 6	A. Yes. I don't recall it being in here.	14:04:32 6	A. Yes. The user of the device and the creator
13:58:23 7	Q. If you can	14:04:34 7	of the device.
13:58:25 8	A. But I can read through it and verify that	14:04:36 8	Q. Let's start with the creator of the device.
13:58:33 9 st	atement.	14:04:38 9	A. I'm not in that business, so I don't know what
13:58:3310	Q. I would appreciate that.	14:04:3910	the minimum requirement is.
13:58:3411	A. Okay. What I see is one skilled in the art	14:04:4011	Q. And you have no expert opinion on that?
14:02:1012 w	ould understand the definition, and so forth. I don't see	14:04:4412	A. I don't. I think it's probably highly
14:02:1613 a	in terms of what I remembered, I don't have a specific	14:04:4813	variable.
14:02:2214 b	ock that gives the educational or experience requirement	14:04:4814	Q. So now moving on to the user of the
14:02:2515 o	f a person to understand this.	14:04:5615	multi-layer ceramic capacitors
14:02:2616	Q. So basically you're referring to an disclosed	14:04:5916	A. Yes.
14:02:3317 p	erson, by any definition, either by mean or by level of	14:04:5917	Q what are the educational and experiential
14:02:3618 es	xperience and education?	14:05:0518	requirements for a user of multi-layer ceramic capacitors
14:02:3719	A. It's one skilled in the art is that's what	14:05:0919	to have ordinary skill in that art?
14:02:4020 I	said.	14:05:1120	A. Yeah, where this would be understandable to
14:02:4121	Q. And is it fair to say that you also don't	14:05:1321	them?
14:02:4322 d	efine what the art is that you're referring to?	14:05:1322	Q. Yes.
14:02:4723	A. I would think it's assumed that it's people	14:05:1423	A. I would say, a couple of examples.
14:02:5124 w	ho use these surface mount capacitors, or develop them.	14:05:1824	One would be a person with a Masters Degree
14:02:5525	Q. And what is that assumption based on, in your	14:05:2425	with a concentration in microwaves or high frequency RF
	Page 131		Page 133
14:03:05 1 si	ımmary?	14:05:30 1	circuits, or fiberoptic circuits. Am I going too fast?
14:03:05 2	A. A person's read this patent is worried about	14:05:36 2	Q. Fine.
14:03:09 3 it	, I would assume that implies some level of expertise.	14:05:38 3	A. That had a Masters Degree in that field and
14:03:13 4	Q. In what art?		A. That had a Masters Degree in that field and
	•	14:05:42 4	probably five years experience, for example.
14:03:17 5	A. Either creating capacitors or the use of them	14:05:42 4	_
			probably five years experience, for example.
	A. Either creating capacitors or the use of them	14:05:46 5	probably five years experience, for example. Alternatively, it could be a person who got
14:03:20 6 ir 14:03:27 7	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits.	14:05:46 5 14:05:48 6	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much
14:03:20 6 ir 14:03:27 7	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your	14:05:46 5 14:05:48 6 14:05:50 7	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a
14:03:20 6 ir 14:03:27 7 14:03:31 8 su	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your ammary?	14:05:46 5 14:05:48 6 14:05:50 7 14:05:55 8	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a new fiberoptic system, they would have had to use devices
14:03:20 6 ir 14:03:27 7 14:03:31 8 st 14:03:31 9	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your ammary? A. I did not specify it explicitly.	14:05:46 5 14:05:48 6 14:05:50 7 14:05:55 8 14:05:58 9	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a new fiberoptic system, they would have had to use devices such as this, so they may have essentially no real work
14:03:20 6 ir 14:03:27 7 14:03:31 8 st 14:03:31 9 14:03:3410 14:03:3511	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your ammary? A. I did not specify it explicitly. Q. Why not?	14:05:46 5 14:05:48 6 14:05:50 7 14:05:55 8 14:05:58 9 14:06:0110	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a new fiberoptic system, they would have had to use devices such as this, so they may have essentially no real work experience, but have made up for it in their Doctoral work,
14:03:20 6 ir 14:03:27 7 14:03:31 8 st 14:03:31 9 14:03:3410 14:03:3511	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your ammary? A. I did not specify it explicitly. Q. Why not? A. I just didn't think it was necessary. I	14:05:48 6 14:05:50 7 14:05:55 8 14:05:58 9 14:06:0110 14:06:0411	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a new fiberoptic system, they would have had to use devices such as this, so they may have essentially no real work experience, but have made up for it in their Doctoral work, so I would say that's sort of entry level.
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14:03:20 6 in 14:03:27 7 14:03:31 8 st 14:03:31 9 14:03:3410 14:03:3511 14:03:4013 14:03:4614 tt 14:03:5515 ot 14:03:5816 14:04:0117 tt 14:04:0218 14:04:0419 p 14:04:0620 14:04:0621 14:04:0822 cc	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your ammary? A. I did not specify it explicitly. Q. Why not? A. I just didn't think it was necessary. I didn't think about it. Q. And so, in your opinion, sitting here today, as art, the relevant art of the '356 patent is the design of the multi-layer ceramic capacitors; is that right? MR. SCHATZ: Objection, mischaracterization of the testimony. THE WITNESS: I was giving you examples of exple who are skilled in the art. Q. BY MR. SLONIM: Okay. A. A person who makes these capacitors, I would all them skilled in the art, but the other class would be	14:05:46 5 14:05:48 6 14:05:50 7 14:05:55 8 14:05:58 9 14:06:0110 14:06:0411 14:06:0612 14:06:1413 14:06:2014 14:06:2115 14:06:2316 14:06:2317 14:06:3518 14:06:3819 14:06:3920	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a new fiberoptic system, they would have had to use devices such as this, so they may have essentially no real work experience, but have made up for it in their Doctoral work, so I would say that's sort of entry level. Q. And do you consider yourself to be one of ordinary skill in the art that was using the multi-layer capacitors? A. On that, I feel, yes, I'm very experienced there. Q. Would you consider yourself to have a higher level of skill than ordinary A. Yes. Q. How would you describe your personal level of
14:03:20 6 in 14:03:27 7 14:03:31 8 st 14:03:31 9 14:03:3410 14:03:3511 14:03:4013 14:03:4614 tt 14:03:5515 ot 14:03:5816 14:04:0117 tt 14:04:0218 14:04:0419 p 14:04:0620 14:04:0621 14:04:0822 cc	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your ammary? A. I did not specify it explicitly. Q. Why not? A. I just didn't think it was necessary. I didn't think about it. Q. And so, in your opinion, sitting here today, as art, the relevant art of the '356 patent is the design of the multi-layer ceramic capacitors; is that right? MR. SCHATZ: Objection, mischaracterization of the testimony. THE WITNESS: I was giving you examples of ecople who are skilled in the art. Q. BY MR. SLONIM: Okay. A. A person who makes these capacitors, I would	14:05:46 5 14:05:48 6 14:05:50 7 14:05:55 8 14:05:58 9 14:06:0110 14:06:0411 14:06:0612 14:06:1413 14:06:2014 14:06:2316 14:06:2317 14:06:3318 14:06:3819 14:06:3920 14:06:4321	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a new fiberoptic system, they would have had to use devices such as this, so they may have essentially no real work experience, but have made up for it in their Doctoral work, so I would say that's sort of entry level. Q. And do you consider yourself to be one of ordinary skill in the art that was using the multi-layer capacitors? A. On that, I feel, yes, I'm very experienced there. Q. Would you consider yourself to have a higher level of skill than ordinary A. Yes. Q. How would you describe your personal level of skill in that? A. Because I tried to build what Presidio did, and did not succeed, by cobbling together other people's
14:03:20 6 in 14:03:27 7 14:03:31 8 st 14:03:31 9 14:03:3410 14:03:3511 14:03:3912 dt 14:03:4614 tt 14:03:5515 ot 14:03:5816 14:04:0117 tt 14:04:0218 14:04:0419 pt 14:04:0620 14:04:0621 14:04:0822 ct 14:04:1123 tt	A. Either creating capacitors or the use of them a microwave circuits, fiberoptic circuits. Q. But you didn't specify that explicitly in your ammary? A. I did not specify it explicitly. Q. Why not? A. I just didn't think it was necessary. I didn't think about it. Q. And so, in your opinion, sitting here today, as art, the relevant art of the '356 patent is the design of the multi-layer ceramic capacitors; is that right? MR. SCHATZ: Objection, mischaracterization of the testimony. THE WITNESS: I was giving you examples of exple who are skilled in the art. Q. BY MR. SLONIM: Okay. A. A person who makes these capacitors, I would all them skilled in the art, but the other class would be	14:05:46 5 14:05:48 6 14:05:50 7 14:05:55 8 14:05:58 9 14:06:0411 14:06:0612 14:06:1413 14:06:2014 14:06:2316 14:06:2317 14:06:3518 14:06:3819 14:06:3920 14:06:4422	probably five years experience, for example. Alternatively, it could be a person who got their Doctorate in the area, and maybe they don't have much work experience, but their thesis, if it was developing a new fiberoptic system, they would have had to use devices such as this, so they may have essentially no real work experience, but have made up for it in their Doctoral work, so I would say that's sort of entry level. Q. And do you consider yourself to be one of ordinary skill in the art that was using the multi-layer capacitors? A. On that, I feel, yes, I'm very experienced there. Q. Would you consider yourself to have a higher level of skill than ordinary A. Yes. Q. How would you describe your personal level of skill in that? A. Because I tried to build what Presidio did,

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	Page 134		Page 136
14:07:02 1	you do what you do. Figure 8A. Doing that back in the	14:10:04 1	Q. Is it the same type of path that you would
14:07:16 2	early 1990's, the technology just wasn't there; couldn't	14:10:06 2	expect between 66 and 68?
14:07:21 3	buy it.	14:10:08 3	A. It's even shorter.
14:07:21 4	Q. I can understand. So, if we can go back to	14:10:12 4	Q. Would the capacitance between 66 and 68 be the
14:07:27 5	Figure 10A	14:10:24 5	same, you expect it to be the same order of magnitude as
14:07:28 6	A. Yeah.	14:10:27 6	A. No.
14:07:29 7	Q. You're saying that the capacitance,	14:10:28 7	MR. SCHATZ: Objection, calls for speculation.
14:07:42 8	fringe-effect capacitance shown as 79, is the capacitance,	14:10:30 8	Q. BY MR. SLONIM: Why not?
14:07:48 9	fringe-effect capacitance created between plate 72 and 74;	14:10:31 9	A. Without knowing the dimensions, I don't know.
14:07:5210	is that right?	14:10:3510	Q. But you're able to say definitively that it
14:07:5311	A. Yes.	14:10:3811	would not be the order of magnitude of the fringe-effect
14:07:5412	Q. And it doesn't include any other fringe-effect	14:10:4112	between 72 and 74?
14:07:5813	capacitances within 79?	14:10:4313	A. Yeah.
14:08:0214	A. Well, as I said when I looked at it the first	14:10:4314	MR. SCHATZ: Objection, calls for speculation.
14:08:0515	time, I know that 66 and 68 were close together, and	14:10:4415	THE WITNESS: Yeah, because you say order of
14:08:1716	Q. Okay.	14:10:4616	magnitude, which means a factor of ten. I don't have the
14:08:1817	A. You know, is it or is it not in 79? I wasn't	14:10:5017	dimensions, so I can't give you a number. I don't have
14:08:2218	there with the Devoes. I don't know if they've	14:10:5218	anything to calculate.
14:08:2419	incorporated it in there, but I can tell you, it's	14:10:5319	Q. BY MR. SLONIM: And so you have not seen any
14:08:2720	primarily between 72 and 74. That's the intention of the	14:11:0120	test results from which you can conclude that capacitance
14:08:3121	drawing.	14:11:0621	79, fringe-effect capacitance 79 affects high frequency
14:08:3122	Q. Okay. I understand.	14:11:0922	performance, have you?
14:08:3423	And what is the high frequency performance of	14:11:1023	A. No. It's what I've read in '356 patent.
14:08:3724	that fringe-effect capacitance 79?	14:11:1224	Q. And does it present what the high frequency
14:08:4225	MR. SCHATZ: Objection, vague.	14:11:1725	performance was for that capacitance, 79?
11.00.1223	Page 135	11,11,17,23	Page 137
14:08:44 1	THE WITNESS: I don't know the exact values of	14:11:21 1	_
14:08:44 1			A. It does not give it for this capacitor.
	the capacitors, so I don't know how much it affects the	14:11:27 2	Q. So, if it doesn't give it for this capacitor,
14:08:51 3	upper frequency. I can't give you numbers because I don't know the values of this capacitor.	14:11:29 3	why are you saying that this capacitor, fringe-effect
14:08:54 4	*	14:11:32 4	capacitance 79, has some high frequency performance?
14:08:55 5	Q. BY MR. SLONIM: So how would you know without		MR. SCHATZ: Objection, asked and answered.
14:08:57 6	testing or having values whether it does or doesn't affect	14:11:42 6	It's in the literal terms of the '356
14:09:02 7	high frequency performance?	14:11:46 7	THE WITNESS: Yeah, they don't give a value
14:09:04 8	MR. SCHATZ: Objection, calls for speculation.	14:11:48 8	for 79, if that's what you're asking.
14:09:05 9	Are you talking about a physical product that's been build	14:11:50 9	Q. BY MR. SLONIM: Right. So if they don't give
14:09:0810	to 10A?	14:11:5210	you a value, how can you say that it does have high
14:09:0911	MR. SLONIM: Yes, I'm talking about the	14:11:5711	frequency performance?
14:09:1012	capacitor as depicted in cross-section and Figure 10A.	14:11:5812	A. Well, they do talk about going to a 110
14:09:1513	Q. BY MR. SLONIM: How would you know that it	14:12:0513	gigahertz. Now, it does not necessarily refer to Figure
14:09:1714	does or doesn't have high frequency performance, that its	14:12:0814	10A, though, or 10B.
14:09:2315	fringe-effect capacitance, 79 in particular, does or	14:12:0915	Q. Can you define high frequency performance
14:09:2816	doesn't have high frequency performance, if you cannot test	14:12:1216	without a number?
14:09:3117	it, didn't test it, why are you saying that it does?	14:12:1317	A. I think you could say relative to a capacitor
14:09:3418	A. Okay.	14:12:3618	without fringe capacitance, it has it improves the high
14:09:3519	Q. What gives you basis to say that it does or	14:12:4119	frequency performance.
14:09:3920	doesn't?	14:12:4220	Q. What would you consider to be an improvement
14:09:3921	A. Okay. Based on the drawing, location of	14:12:4621	of high frequency performance?
14:09:4322	capacitor 79, if you were to attach the capacitor at the	14:12:4922	A. Well, having
14:09:4723	bottom, there's minimal paracytics between the contact	14:12:5623	MR. SCHATZ: I'm going to object. That calls
14:09:5624	points and it. It's a very direct path for high	14:12:5824	for speculation, and that doesn't it's not impacted at
14:10:0025	frequencies to get through.	14:13:0425	all in the claim construction.

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	Page 138		Page 140
14:13:05 1	Q. BY MR. SLONIM: You may answer.	14:15:22 1	capacitor as a whole. That's the first time I've seen that
14:13:07 2	A. I'd be speculating, though, if I give you	14:15:24 2	done.
14:13:12 3	numbers without the dimensions or the values.	14:15:25 3	Q. What is the first time you've seen that done?
14:13:15 4	Q. Well, I think the purpose of the claim	14:15:27 4	A. Using fringe capacitance to achieve that.
14:13:17 5	construction or what do you understand to be the purpose	14:15:31 5	Q. And you have seen that where?
14:13:21 6	of the claim construction?	14:15:37 6	A. In this patent (indicating).
14:13:21 7	A. To show what the novel aspect of the '356	14:15:41 7	Q. Have you seen any commercial products that
14:13:25 8	patent is.	14:15:45 8	achieve that?
14:13:26 9	Q. Wouldn't that be the purpose of a novelty or	14:15:46 9	A. No, I have not.
14:13:3210	validity analysis?	14:15:4710	Q. Have you inquired whether there are any
14:13:3311	MR. SCHATZ: Objection, you're talking legal	14:15:5011	commercial products that achieve that high frequency
14:13:3412	terms that are not contemplated by this witness. This	14:15:5312	performance that you were striving to achieve in 1990, as
14:13:3813	witness is here today to provide what he believes to be the	14:15:5713	you described?
14:13:4214	proper claim construction, definitions of claim terms.	14:15:5714	MR. SCHATZ: Objection, beyond the scope of
14:13:4615	Q. BY MR. SLONIM: What do you understand to be	14:15:5915	this deposition. Dr. Godshalk does not have opinions nor
14:13:5316	the link between novelty of the claims as you've described	14:16:0216	has he rendered any opinions on that issue.
14:13:5617	them, claim construction, in your expert opinion, as you	14:16:0517	Q. BY MR. SLONIM: In your expert opinion, as an
14:13:5818	sit here today?	14:16:0818	expert user of multi-layer capacitors, have you encountered
14:13:5919	MR. SCHATZ: Objection, objection.	14:16:1519	any commercial products that
14:14:0020	Q. BY MR. SLONIM: As you've offered it in your	14:16:1820	A. I have not sought them out.
14:14:0221	summary to the Court.	14:16:1921	Q. Have you encountered them?
14:14:0422	MR. SCHATZ: Beyond the scope of this	14:16:2422	MR. SCHATZ: Same objection.
14:14:0823	deposition.	14:16:2723	Q. BY MR. SLONIM: Can you give me an example?
14:14:0924	The comparison of novel or the	14:16:3024	A. Of
14:14:1325	interrelationship between novelty and claim construction is	14:16:3225	Q. Of a commercial capacitor, multi-layer
	Page 139		Page 141
14:14:15 1	not an issue for this deposition	14:16:35 1	_
14:14:15 1 14:14:20 2	not an issue for this deposition. O BY MR SLONIM: You may answer. You just	14:16:35 1	capacitor, that gives you the novel high frequency
14:14:20 2	Q. BY MR. SLONIM: You may answer. You just	14:16:41 2	capacitor, that gives you the novel high frequency performance as you've described about the in the '356
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36 (Pages 138 to 141)

	Page 142		Page 144
	second. You can stay here.	14:29:30 1	that, that the words as construed in the claims define if a
2	THE WITNESS: Okay.	14:29:34 2	device falls within the scope of the claims as they are
3	(A recess was taken from 2:17 p.m. to 2:26	14:29:39 3	construed, such a device would be considered to be an
14:26:00 4	p.m.)	14:29:41 4	infringement of that claim? Do you understand that?
14:26:12 5	Q. BY MR. SLONIM: My last question before the	14:29:43 5	MR. SCHATZ: Object. Objection. Calls for a
14:26:36 6	break to you was if one wanted to apply your claim	14:29:45 6	legal understanding beyond the scope of this deposition.
	construction to determine whether a particular device,	14:29:49 7	Q. BY MR. SLONIM: Is that your understanding,
	particular multi-layer ceramic capacitor has a high	14:29:50 8	Dr. Godshalk, in your expert opinion, in offering your
	frequency performance from a fringe-effect capacitances	14:29:55 9	claim construction to this Court?
	within it, how would one be able to apply your	14:29:5610	MR. SCHATZ: Same objection.
	construction?	14:29:5811	Q. BY MR. SLONIM: You may answer.
14:27:0212	MR. SCHATZ: Objection, can you direct me to	14:29:5812	A. I'm not expert enough in the legal aspects to
14:27:0413	where Exhibit 3 Dr. Godshalk has offered an opinion on	14:30:0113	know that.
14:27:1014	application of proposed construction?	14:30:0214	What my engagement here was to help clearly
14:27:1315	Q. BY MR. SLONIM: Dr. Godshalk, do you	14:30:0915	define these claims, to show what's unique about it, and in
14:27:1516	understand that your construction in order to have meaning	14:30:1616	my opinion, uniqueness of the '356 patent is to create a
14:27:2017	has to be capable of an application, in your expert	14:30:2117	capacitance between these proximate opposed ends of the
14:27:2618	opinion?	14:30:2618	first and second contacts that affects the high performance
14:27:2619	A. I hadn't thought about that. I didn't know	14:30:2919	frequency of the capacitor. That was my engagement.
14:27:3520	that the rule is what your opinion has to be testable? Is	14:30:3220	Q. So was your engagement to prove the novelty of
14:27:3921	that what you said?	14:30:4021	that closeness of the opposed ends of the first and second
14:27:4022	Q. I'm saying do you understand that whether your	14:30:4722	conductive contacts?
14:27:4823	construction can be applied by somebody else reading the	14:30:4923	MR. SCHATZ: Objection, goes beyond the scope
14:27:5424	summary of your opinion?	14:30:5024	of this deposition.
14:27:5725	A. I understand that then.	14:30:5125	THE WITNESS: I want asked to prove it.
	Page 143		Dago 145
			Page 145
14:27:58 1	Q. How could a person do that?	14:30:54 1	Q. BY MR. SLONIM: Why not?
14:27:58 1 14:28:00 2	Q. How could a person do that? MR. SCHATZ: And again, could you please draw	14:30:54 1 14:30:54 2	
14:28:00 2	-		Q. BY MR. SLONIM: Why not?
14:28:00 2	MR. SCHATZ: And again, could you please draw	14:30:54 2	Q. BY MR. SLONIM: Why not? A. I don't know.
14:28:00 2 14:28:02 3	MR. SCHATZ: And again, could you please draw me to where in Exhibit 3, where in	14:30:54 2 14:30:56 3	Q. BY MR. SLONIM: Why not?A. I don't know.Q. So could you clarify exactly what you mean
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37 (Pages 142 to 145)

	Page 146		Page 148
14:32:12 1	Q. BY MR. SLONIM: You may answer.	14:34:49 1	A. Mm-hm (affirmative response).
14:32:14 2	A. I have not seen in any other prior art a claim	14:34:52 2	Q. Could you please read that into the record
14:32:18 3	of using fringe capacitance to affect the high frequency	14:34:55 3	aloud?
14:32:21 4	performance.	14:34:55 4	A. Okay. "Figure 4A shows a second alternative
14:32:22 5	Q. And does the absence of such a mention, of	14:34:59 5	capacitor structure developed by American Technical
14:32:25 6	such an effect between fringe-effect capacitance and high	14:35:02 6	Ceramics Corporation and described in detail in US Patent
14:32:29 7	frequency performance of the capacitor as a whole mean that	14:35:07 7	No. 5,576,926. This structure includes a layered ceramic
14:32:32 8	it was absent from the prior art	14:35:15 8	chip having an internal conductive plate, 30, positioned to
14:32:37 9	A. I can't I would have to speculate. I do	14:35:20 9	overlay conductive plates 32 and 33 extending along an
14:32:3810	not know.	14:35:2610	outer surface of the device from conductive end
14:32:3911	Q. So sitting here today, you don't know one way	14:35:3011	terminations 34 and 35. As before, the conductive end
14:32:4512	or another?	14:35:3512	terminations may be readily soldered to the traces 36 of a
14:32:4513	A. Correct.	14:35:4013	surface mount circuit board. As seen in Figure 4B, the net
14:32:4614	Q. But it would not be impossible that if	14:35:4414	effect is a series combination of two capacitors, between
14:32:5015	somebody didn't mention the effect of high frequency	14:35:4815	the conductive ends and the device. As in this case there
14:32:5316	performance, the effect of fringe-effect capacitance on	14:35:5116	is a series combination of capacitors (which has a lower
14:32:5917	high frequency performance, that that effect was there, it	14:35:5617	capacitance value than either capacitor individually), the
14:33:0318	was simply not mentioned; is that a possibility?	14:36:0118	device has good high frequency performance but relatively
14:33:0519	MR. SCHATZ: Objection, calls for speculation.	14:36:0419	low capacitance value."
14:33:0720	By the very question you're asking for a possibility, and	14:36:0620	Q. Do you understand that the reference to
14:33:0921	that, in and of itself, calls for speculation.	14:36:0921	Figure 4 in the American Technical Ceramics patent, and I
14:33:1222	THE WITNESS: Yeah, I think it's	14:36:1622	refer to it by the last three digits, '936 as a reference
14:33:1323	Q. BY MR. SLONIM: In your expert opinion.	14:36:1923	to the Monsorno patent?
14:33:1424	A. Yeah, it's too speculative for me to answer.	14:36:2124	A. I do.
14:33:1625	I don't know.	14:36:2125	Q. And so does reading this passage that says the
	Page 147		Page 149
14:33:17 1	Q. How would you need to test a capacitor of a	14:36:25 1	device has good high frequency performance suggest to you
14:33:22 2	prior art, let's say a Monsorno capacitor, would you say a	14:36:32 2	that the Monsorno patent and the Monsorno capacitor as
14:33:30 3	Monsorno capacitor you've said you are familiar with the	14:36:36 3	described in it had a good high frequency performance?
14:33:33 4			
11.00.00 1	Monsorno patent?	14:36:41 4	MR. SCHATZ: Objection. It's beyond the scope
14:33:34 5	Monsorno patent? A. Mm-hm (affirmative response).	14:36:41 4 14:36:43 5	
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14:33:34 5	A. Mm-hm (affirmative response).	14:36:43 5	MR. SCHATZ: Objection. It's beyond the scope of claim construction.
14:33:34 5 14:33:35 6	A. Mm-hm (affirmative response). Q. Would the capacitor, the Monsorno capacitor,	14:36:43 5 14:36:46 6	MR. SCHATZ: Objection. It's beyond the scope of claim construction. Q. BY MR. SLONIM: You may answer.
14:33:34 5 14:33:35 6 14:33:38 7	A. Mm-hm (affirmative response). Q. Would the capacitor, the Monsorno capacitor, have a high frequency effect?	14:36:43 5 14:36:46 6 14:36:47 7	MR. SCHATZ: Objection. It's beyond the scope of claim construction. Q. BY MR. SLONIM: You may answer. A. It's not like the '356 patent. The '356
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14:33:34 5 14:33:35 6 14:33:38 7 14:33:39 8 14:33:40 9 14:33:4110 14:33:4211 14:33:4613 14:33:4714 14:33:4915 14:33:5116 14:33:5917 14:34:0318 14:34:0319 14:34:1120 14:34:1321 14:34:1422	A. Mm-hm (affirmative response). Q. Would the capacitor, the Monsorno capacitor, have a high frequency effect? MR. SCHATZ: Objection, beyond the scope of this deposition. THE WITNESS: I don't know. I don't have the dimensions, I haven't done the calculations. It's not claimed in that patent. Q. BY MR. SLONIM: Do you understand that it would have high frequency performance? A. I don't know. Q. Let me direct your attention to Exhibit 1, which is the 356 'patent. A. Okay. Q. And could you read into the record Column 2, Lines 45 through 57? A. Column 2. Q. Lines 45 through 57.	14:36:43 5 14:36:46 6 14:36:47 7 14:36:58 8 14:37:02 9 14:37:0510 14:37:1112 14:37:1112 14:37:2115 14:37:2416 14:37:2416 14:37:2818 14:37:3319 14:37:3520 14:37:3621 14:37:4022	MR. SCHATZ: Objection. It's beyond the scope of claim construction. Q. BY MR. SLONIM: You may answer. A. It's not like the '356 patent. The '356 patent is broadband performance. This may just have good performance at a very narrow range of frequencies, just by the very fact that it's a low value capacitor and had nothing to do with fringe capacitance. Q. Do you believe that the '356 patent truthfully describes that the Monsorno patent MR. SCHATZ: Objection. Q device has good high frequency performance as it states in Column 3, Line 4? MR. SCHATZ: Objection. Please call my attention to Exhibit 3 wherein Dr. Godshalk has offered testimony regarding that issue. Q. BY MR. SLONIM: You may answer. A. I don't have an opinion on that. I didn't write it, so

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14:37:50 1 Q. Yes. Do you believe that? A. If it well, not for the reasons that the 14:40:33 1 1 14:37:51 2 A. If it well, not for the reasons that the 14:40:33 2 that as beyond the claim construction because as far. 14:37:56 3 '356 patent works. 14:37:58 4 Q. I don't understand your answer. 14:38:01 5 Do you mean that the Monsorno device has good 14:40:43 4 very words high frequency performance with a qualifulation and beyond the scope of 14:40:51 6 want to understand what would that mean. 14:38:15 7 quote about the Monsorno device from the '356 patent? 14:38:20 9 14:38:23 10 17. Godshalk's testimony. 14:38:23 10 18: Godshalk's testimony. 14:38:24 11 18: WITNESS: Since it doesn't have mention 14:41:0610 18: Godshalk, also. 18: Well, that's not what you as MR. SLONIM: We're getting there. You interrupted me, and Dr. Godshalk, also. 18: WITNESS: So, where were we at? 18: WITNESS: Since it doesn't have mention 14:41:1112 18: WITNESS: So, where were we at? 18: WITNESS: Since it doesn't have an opinion on it. 18: WITNESS: So were were we at? 18: WITNESS: So were seeing that the inventors of the '356 patent, in Column 3, Line 4, that it has a good high frequency performance? 18: WITNESS: Well, that's not what you as MR. SLONIM: So do you agree that the world and this Court that the Monsorno patent has a good high frequency performance? 18: WITNESS: Well, that's not what you as MR. SLONIM: So do you agree that the inventors of the '356 patent told the world and this Court that the Monsorno device, at least based on the description by inventors of the '356 patent, in Column 3, Line 4, that it has a good high frequency performance? 18: WITNESS: Well, that's not what you as MR. SLONIM: So do	s I es the er good ad I ed.
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14:38:5117 a good high frequency performance? 14:41:3217 that's what the '356 patent says. That's what I can ag	e
14:38:5318 MR. SCHATZ: Same objection. 14:41:3518 to. That's what it says.	
14:38:5419 THE WITNESS: I have not personally used this 14:41:3619 Q. Do you agree that in your expert opinion,	
14:38:5520 device, so I can't personally say that it does. 14:41:4020 based on the description it does have	
14:38:5821 Q. BY MR. SLONIM: What is your expert opinion 14:41:4221 A. I don't know the dimensions of it. If it was	
14:38:5922 about that? 14:41:4422 a huge capacitor, it wouldn't have good high frequence	,
14:39:0023 MR. SCHATZ: Same objections, beyond the scope 14:41:4723 performance. I'd need to know the dimensions of it a	
14:39:0124 of this deposition and Dr. Godshalk's opinions. 14:41:5024 the calculations.	
14:39:0625 THE WITNESS: I have no opinion on this 14:41:5025 Q. But let's say based on the description in	
Page 151 Page	153
14:39:08 1 capacitor. 14:41:54 1 Line 3, if you could turn to that, in Column 3, Line 4	
14:39:10 2 Q. BY MR. SLONIM: Do you mean that if you 14:41:59 2 where it says the device has good high frequency	
14:39:17 3 haven't personally done something you can't offer an 14:42:02 3 performance, based on that description, do you believe	e that
14:39:21 4 opinion about that? 14:42:07 4 that device does, in fact, have good high frequency	
14:39:21 5 A. I'll have to study this. 14:42:12 5 performance as described by the inventors of the '35	
14:39:26 6 Q. You've told us that you've read this patent 14:42:15 6 patent?	
14:39:35 7 many times before? 14:42:16 7 MR. SCHATZ: Objection, asked and answer	ed.
14:39:36 8 A. I have. 14:42:18 8 THE WITNESS: What I would agree is wh	t it
14:39:38 9 Q. And you've also told us that you believe that 14:42:20 9 says in the '356 patent, it has good high frequency	
14:39:4010 the depictions in Figure 10B and others would give you the 14:42:2410 performance, but relatively low capacitance value.	
14:39:4611 basis to form an opinion that something has high frequency 14:42:2611 Q. BY MR. SLONIM: I understand that.	
14:39:50 12 performance. 14:42:29 12 And when it says, the '356 patent about the	
14:39:5113 A. Okay. I can say 14:42:3213 Monsorno device, has good high frequency perform	nce, is
14:39:5514 MR. SCHATZ: What's the pending question? 14:42:3514 that the same high frequency performance that you was a second of the same high frequency pe	
14:39:5615 MR. SLONIM: I think Dr. Godshalk wants to 14:42:3815 referring in your claim construction when you menti	
14:40:0016 finish his answer. 14:42:4116 same words, high frequency performance?	
14:40:0117 MR. SCHATZ: Well, as I understand it, the 14:42:4317 A. No.	
14:40:0318 objection is beyond the scope of claim construction, and 14:42:4418 Q. Do you agree that those words are the same	
14:40:0619 any testimony that, or opinions that Dr. Godshalk has 14:42:5019 that this phrase uses high frequency performance an	
14:40:1020 offered relative to claim construction. 14:42:5320 you	
14:40:1221 MR. SLONIM: Mr. Schatz, I think you are 14:42:5321 A. I say affects the high frequency performance	.
14:40:1422 objecting on the record in an inappropriate fashion, trying 14:42:5522 Q. So the high frequency performance is used	
14:40:1823 to interrupt the deposition, and I would ask you not to do 14:42:5823 both your construction	
14:40:23 24 it any further. I think we'll have your standing objection 14:42:59 24 A. All it says is high frequency performance.	
14:40:2625 about your view that this is beyond the claim construction, 14:43:0225 This says good high frequency performance, but the	e's a

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14:43:05 1	Page 154		Page 156
	qualifier, that it's a relatively low capacitance value,	14:45:27 1	Q. BY MR. SLONIM: You can answer.
14:43:08 2	and we don't have that limitation on this claim.	14:45:28 2	A. In the '356 patent we're referring to a
14:43:10 3	Q. But if we focused on the three words, high	14:45:30 3	broadband capacitor. That's what makes it so different
14:43:13 4	frequency performance, in your construction and in	14:45:34 4	than the small value capacitor. It's a well known physical
14:43:16 5	Column 3, Line 4, is it the same high frequency	14:45:38 5	fact as you go, tinier capacitors go higher in frequency,
14:43:20 6	performance?	14:45:42 6	but that may not meet the need of the user. This is not as
14:43:21 7	A. I wouldn't you can't make that judgment	14:45:47 7	versatile an invention as the '356 invention.
14:43:24 8	because we don't know the values, because this is qualified	14:45:52 8	Q. How do you know that the Monsorno device does
14:43:26 9	that it's a low value capacitor.	14:45:58 9	not have the broadband characteristics? I thought that you
14:43:2810	Q. So using the same words could have vastly	14:46:0110	told me that
14:43:3111	different meanings; is that what you're telling me?	14:46:0211	A. Because it's a small value capacitor.
14:43:3412	MR. SCHATZ: Objection, asked and answered.	14:46:0312	Q. And by small value capacitor, what do you mean
14:43:3613	THE WITNESS: Yeah. I don't I just don't	14:46:0813	by that?
14:43:3814	think that we can make a valid comparison, since this one's		A. You need a lot of capacitance to go low in
14:43:4115	qualified to be for a low value capacitance, a low	14:46:1415	frequency. If you read the '356 patent, it's a broadband
14:43:4416	capacitance value.	14:46:1816	device because it's an array, an integrated array of
14:43:4517	Q. BY MR. SLONIM: But the high frequency	14:46:2117	capacitors, large capacitors, medium, and then finally the
14:43:4918	performance that that that phrase is the same both in	14:46:2418	very tiniest ones formed by fringe, so it has a broadband,
14:43:5219	your construction and the claim, and in Line 4 of	14:46:2819	this one does not, so, to me they're not relevant, I mean,
14:43:5820	Column 3	14:46:3220	they're not the same.
14:43:5821	A. Well, there's three words that are the same.	14:46:3321	Q. If you were to look at Column at the
14:44:0022	Q with a qualifier?	14:46:3722	language of Claim 1, could you read and that's in
23	A. There's three words that are the same.	14:46:4123	Column 12, could you read me where the word broadband
14:44:0024	Q. They're the same?	14:46:4724	capacitor?
14:44:0125	A. There are three words that are the same,	14:46:4725	A. Where are you? Which line? 12?
	Page 155		Page 157
14 44 02 1		14 46 40 1	
14:44:03 1	they're in the same order, high frequency performance.	14:46:49 1	Q. It begins on Line 59. What is Claim 1?
14:44:05 2	Q. Do they mean the same thing, in your expert	14:46:56 2	A. Okay.
14:44:07 3	opinion? A. No.	14:46:57 3	Q. What I want to know is if you could read me
14:44:07 4	Q. Why not?	14:46:59 4	from Claim 1, where in Claim 1 it requires the capacitor of
14:44:09 5 14:44:09 6	•	14:47:04 5 14:47:07 6	Claim 1 to be a broadband capacitor? MR. SCHATZ: If you want to conserve time,
14:44:09 8	A. Because this is qualified to be a relatively low capacitance value, and that limitation is not in this	14:47:07 8	
14:44:17 8	claim.	14:47:08 7	we'll stipulate to the fact that the word broadband does not appear in Column 12, 59 through Column 5, Line 13.
14:44:17 8	Q. And how would that limitation make a	14:47:12 8	THE WITNESS: Yeah. It's in the title of the
14:44:2610	difference between the same words high frequency	14:47:2010	patent and mentioned numerous times in the summary. I
	performance as used in your construction and high frequency		patent and mentioned numerous times in the summary. 1
			thought the summary is supposed to support the claims
14:44:3011	- 1		thought the summary is supposed to support the claims,
14:44:3011 14:44:3312	performance as used in Column 3, Line 4?	14:47:2612	so
14:44:3011 14:44:3312 14:44:3813	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim	14:47:2612 14:47:2713	so Q. BY MR. SLONIM: But you would agree that in
14:44:3011 14:44:3312 14:44:3813 14:44:4014	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty.	14:47:2612 14:47:2713 14:47:2814	so Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion?	14:47:2612 14:47:2713 14:47:2814 14:47:3315	or Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor?
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4316	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that?	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817 14:44:5418	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation A. Of the low value capacitance.	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717 14:47:3918	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether it's required. It's two totally different things.
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817 14:44:5418 14:44:5619	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation A. Of the low value capacitance. Q of the low value capacitance make a	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717 14:47:3918 14:47:4219	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether it's required. It's two totally different things. Q. BY MR. SLONIM: Does the word "broadband"
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817 14:44:5418 14:44:5619 14:45:0220	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation A. Of the low value capacitance. Q of the low value capacitance make a difference between the meanings of the seemingly identical	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717 14:47:3918 14:47:4219 14:47:4620	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether it's required. It's two totally different things. Q. BY MR. SLONIM: Does the word "broadband" appear in Claim 1?
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817 14:44:5619 14:44:5619 14:45:0220 14:45:0921	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation A. Of the low value capacitance. Q of the low value capacitance make a difference between the meanings of the seemingly identical phrases, high frequency performance, in your claim	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717 14:47:3918 14:47:4219 14:47:4620 14:47:4621	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether it's required. It's two totally different things. Q. BY MR. SLONIM: Does the word "broadband" appear in Claim 1? A. It does not appear, the word "broadband" does
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817 14:44:5619 14:45:0220 14:45:0921 14:45:1222	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation A. Of the low value capacitance. Q of the low value capacitance make a difference between the meanings of the seemingly identical phrases, high frequency performance, in your claim construction and in the description of the Monsorno device	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717 14:47:3918 14:47:4219 14:47:4620 14:47:4621 14:47:5022	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether it's required. It's two totally different things. Q. BY MR. SLONIM: Does the word "broadband" appear in Claim 1? A. It does not appear, the word "broadband" does not appear in Claim 1. But what does appear in Claim 1 is
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817 14:44:5619 14:45:0220 14:45:0921 14:45:1222 14:45:1723	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation A. Of the low value capacitance. Q of the low value capacitance make a difference between the meanings of the seemingly identical phrases, high frequency performance, in your claim construction and in the description of the Monsorno device in the '356 patent by its inventors where they say it has	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717 14:47:3918 14:47:4219 14:47:4620 14:47:4621 14:47:5022 14:47:5423	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether it's required. It's two totally different things. Q. BY MR. SLONIM: Does the word "broadband" appear in Claim 1? A. It does not appear, the word "broadband" does not appear in Claim 1. But what does appear in Claim 1 is the second contact being located sufficiently close to the
14:44:3011 14:44:3312 14:44:3813 14:44:4014 14:44:4315 14:44:4416 14:44:4817 14:44:5619 14:45:0220 14:45:0921 14:45:1222	performance as used in Column 3, Line 4? MR. SCHATZ: Objection, relevant to claim construction, it's an issue for novelty. Q. BY MR. SLONIM: What's your expert opinion? A. Okay. Can you please repeat that? Q. Absolutely. And how would that limitation A. Of the low value capacitance. Q of the low value capacitance make a difference between the meanings of the seemingly identical phrases, high frequency performance, in your claim construction and in the description of the Monsorno device	14:47:2612 14:47:2713 14:47:2814 14:47:3315 14:47:3516 14:47:3717 14:47:3918 14:47:4219 14:47:4620 14:47:4621 14:47:5022	Q. BY MR. SLONIM: But you would agree that in Claim 1, the capacitor of Claim 1 is not required to be a broadband capacitor? MR. SCHATZ: Objection to the extent there's a difference between whether that word appears or whether it's required. It's two totally different things. Q. BY MR. SLONIM: Does the word "broadband" appear in Claim 1? A. It does not appear, the word "broadband" does not appear in Claim 1. But what does appear in Claim 1 is

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	Page 158		Page 160
14:48:03 1	affects the high frequency performance, that is the essence	14:50:38 1	high frequency performance of the capacitor as a whole, and
14:48:06 2	of the '356 patent, and it's unique. It's not claimed by	14:50:42 2	then you build this array, this integrated array of ceramic
14:48:13 3	anyone else?	14:50:45 3	capacitors and get this broadband of performance. That's
14:48:14 4	Q. And so what is the are you reading the word	14:50:49 4	what I have not seen in any other patent.
14:48:20 5	broadband into the claim, into Claim 1, if it doesn't	14:50:51 5	Q. But you cannot put any numerical limitations
14:48:22 6	appear there, in your expert opinion?	14:50:53 6	on what a high frequency performance is?
14:48:25 7	A. I wasn't necessarily reading broadband into	14:50:57 7	A. Numerical limitation. It's not my place to do
14:48:32 8	it. I was reading affects the high frequency performance.	14:51:03 8	in regards to this claim construction.
14:48:35 9	Q. And what makes you say that the affects high	14:51:04 9	Q. Well, I think as an expert in claim
14:48:4010	frequency	14:51:0710	construction and in this field, you came here today to
14:48:4311	A. These are highly subjective. We talk we	14:51:1311	A. We're not claiming high frequency, any high
14:48:4612	use the word high frequency, what does Monsorno mean by	14:51:1612	frequency value in this patent. We're saying that it
14:48:4913	high frequency? What does the '356 patent mean by high	14:51:1012	affects the high frequency performance, so I don't
14:48:5514	frequency?	14:51:2214	really is that germane to it?
14:48:5615	Q. Could you answer your last question, what does	14:51:2415	Q. You tell me.
14:48:5816	the '356 mean?	14:51:2415	A. The number? I don't think so.
14:48:5917	A. That's what I say, we don't have the numbers	14:51:2416	O. You tell me.
14:49:0218	to compare with each other. The only numbers we have we		A. I think that
14:49:0419	don't have a number for the Monsorno patent. He doesn't	14:51:2719	Q. Let's say you were not the developer of this
14:49:0620	give a high frequency number.	14:51:2920	construction, and you saw this construction, and you needed
14:49:0921	Q. Do we have a number in the '356 patent?	14:51:2920	to understand whether a particular device affects high
14:49:0321	A. They do mention 110 gigahertz in the summary.	14:51:3221	frequency performance. What would you need to know about
14:49:1523		14:51:3722	the device to understand whether it falls within your
14:49:1824		14:51:4023	construction?
14:49:1824	A. It's high frequency to me. Q. For any application whatsoever?	14:51:4324	A. What I would be more worried about is what
14:49:2025		14:51:4525	A. What I would be more worned about is what
	Page 159		Page 161
14:49:22 1	A. No. It depends on the application. To an	14:51:46 1	they talk about in the '356 patent, the absence of
14:49:24 2	audio engineer, two megahertz would be high frequency.	14:51:49 2	resonance, or nols, and the minimizing insertion loss,
14:49:28 3	That's why the Monsorno one may be what is high	14:51:53 3	which they do by building this array of capacitors.
14:49:31 4	frequency? Maybe it goes to 10 megahertz. We don't know.	14:51:57 4	Q. How would I be able to measure whether a
14:49:34 5	Q. Would 109 gigahertz be high frequency?	14:52:00 5	particular capacitor has what you say is high frequency
14:49:39 6	A. For a fiberoptic system it would be at the	14:52:03 6	performance?
14:49:44 7	upper end of what they need.	14:52:04 7	A. I don't think they've done that in the patent.
14:49:47 8	Q. Does high frequency as used in the '356 patent	14:52:06 8	Q. If you don't give me a number, is there any
14:49:50 9	and in your construction, is it only 110 gigahertz?	14:52:08 9	other way to express the high frequency performance, other
14:49:5610	A. No.	14:52:1310	than give me a number?
14:49:5611	Q. How would you know, do you have a list of, or	14:52:1311	A. Well, one thing is you want to make sure there
14.50.0110			
14:50:0112	a definition of high frequency as you use it in your	14:52:1812	aren't suck-outs or resonances.
14:50:0112	a definition of high frequency as you use it in your construction?	14:52:1812 14:52:1913	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances?
			aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure
14:50:0413	construction? A. Depends on the application. I don't have a list.	14:52:1913	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor
14:50:0413 14:50:0414	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular	14:52:1913 14:52:2114	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well,
14:50:0413 14:50:0414 14:50:0615	construction? A. Depends on the application. I don't have a list.	14:52:1913 14:52:2114 14:52:2515	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a
14:50:0413 14:50:0414 14:50:0615 14:50:0716	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular applications in your summary, have you? A. I have not.	14:52:1913 14:52:2114 14:52:2515 14:52:2816	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a lot of loss there. In the '356 patent, by building an
14:50:0413 14:50:0414 14:50:0615 14:50:0716 14:50:1017	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular applications in your summary, have you? A. I have not. Q. Would that be in order to give more meaning to	14:52:1913 14:52:2114 14:52:2515 14:52:2816 14:52:3217	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a lot of loss there. In the '356 patent, by building an array of capacitors, large, medium to small, you can
14:50:0413 14:50:0414 14:50:0615 14:50:0716 14:50:1017 14:50:1218	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular applications in your summary, have you? A. I have not. Q. Would that be in order to give more meaning to your construction so somebody could apply it and know	14:52:1913 14:52:2114 14:52:2515 14:52:2816 14:52:3217 14:52:3518	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a lot of loss there. In the '356 patent, by building an array of capacitors, large, medium to small, you can eliminate those dips or minimize them. And a measurement
14:50:0413 14:50:0414 14:50:0615 14:50:0716 14:50:1017 14:50:1218 14:50:1219	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular applications in your summary, have you? A. I have not. Q. Would that be in order to give more meaning to your construction so somebody could apply it and know whether for an automotive capacitor it is high frequency	14:52:1913 14:52:2114 14:52:2515 14:52:2816 14:52:3217 14:52:3518 14:52:3919	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a lot of loss there. In the '356 patent, by building an array of capacitors, large, medium to small, you can eliminate those dips or minimize them. And a measurement you can make on this network analyzer I was talking about.
14:50:0413 14:50:0414 14:50:0615 14:50:0716 14:50:1017 14:50:1218 14:50:1219 14:50:1820	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular applications in your summary, have you? A. I have not. Q. Would that be in order to give more meaning to your construction so somebody could apply it and know	14:52:1913 14:52:2114 14:52:2515 14:52:2816 14:52:3217 14:52:3518 14:52:3919 14:52:4420	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a lot of loss there. In the '356 patent, by building an array of capacitors, large, medium to small, you can eliminate those dips or minimize them. And a measurement
14:50:0413 14:50:0414 14:50:0615 14:50:0716 14:50:1017 14:50:1218 14:50:1219 14:50:1820 14:50:2221	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular applications in your summary, have you? A. I have not. Q. Would that be in order to give more meaning to your construction so somebody could apply it and know whether for an automotive capacitor it is high frequency	14:52:1913 14:52:2114 14:52:2515 14:52:2816 14:52:3217 14:52:3518 14:52:3919 14:52:4420 14:52:4821	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a lot of loss there. In the '356 patent, by building an array of capacitors, large, medium to small, you can eliminate those dips or minimize them. And a measurement you can make on this network analyzer I was talking about. The Monsorno patent wouldn't do that. It's just one capacitor. You'd have this big old dip down low
14:50:0413 14:50:0414 14:50:0615 14:50:0716 14:50:1017 14:50:1218 14:50:1219 14:50:1820 14:50:2221 14:50:2622	construction? A. Depends on the application. I don't have a list. Q. And you have not mentioned any particular applications in your summary, have you? A. I have not. Q. Would that be in order to give more meaning to your construction so somebody could apply it and know whether for an automotive capacitor it is high frequency A. I don't see what that had to do with the claim	14:52:1913 14:52:2114 14:52:2515 14:52:3217 14:52:3217 14:52:3518 14:52:3919 14:52:4420 14:52:4821 14:52:5122	aren't suck-outs or resonances. Q. What do you mean by suck-outs or resonances? A. It's shown here in the '356 patent, Figure 21A. Like here would be like two, a large value capacitor and some smaller value capacitor that aren't matched, well, you end up getting a suck-out. That's the loss. There's a lot of loss there. In the '356 patent, by building an array of capacitors, large, medium to small, you can eliminate those dips or minimize them. And a measurement you can make on this network analyzer I was talking about. The Monsorno patent wouldn't do that. It's

41 (Pages 158 to 161)

	Page 162		Page 164
14:53:03 1	definition of the term high frequency performance as you	14:55:46 1	A. My construction can be applied and that if
14:53:07 2	have used it in your construction for the claim	14:56:00 2	you're using fringe capacitance to affect the high
14:53:10 3	construction purposes of the '356 patent, sitting here	14:56:02 3	frequency performance, that is the application.
14:53:14 4	today?	14:56:09 4	Q. What is high frequency as you use it
14:53:15 5	MR. SCHATZ: Objection, objection.	14:56:13 5	MR. SCHATZ: Objection, asked and answered.
14:53:16 6	Mischaracterization of the testimony.	14:56:14 6	Q in your claim construction of the '356
14:53:17 7	THE WITNESS: I would give okay, I will	14:56:16 7	patent?
14:53:19 8	give you a definition.	14:56:16 8	A. It would be I can tell you what it's above.
14:53:20 9	An integrated array of capacitors that has	14:56:26 9	Q. Give me your definition.
14:53:2310	minimized resonances or suck-outs as we call them. They	14:56:2710	A. Above 10 or 20 gigahertz.
14:53:3011	call it resonances in here, in the '356 patent. That is a	14:56:3811	Q. Is it above 10 gigahertz?
14:53:3412	good definition of high frequency performance.	14:56:4412	A. I'm just speculating if I give you a number.
14:53:3713	Q. BY MR. SLONIM: What does it mean to minimize?	14:56:4813	Q. You did not form an opinion about what high
14:53:4014	Can you quantify what to minimize means?	14:56:5314	frequency is when you gave the claim construction that you
14:53:4315	A. I can tell you what bad would be.	14:56:5815	proposed in your summary, Exhibit 3
14:53:5116	Q. Why don't you answer my question.	14:57:0116	A. Let's look.
14:53:5417	Can you quantify what to minimize is?	14:57:0217	Q using the term high frequency.
14:53:5518	A. There I'm giving you value, without knowing	14:57:0418	A. All right. If we go through the '356 patent
14:54:0919	the application. I'd have to work on that.	14:57:0719	we'll find in here that I was comfortable with the
14:54:2220	Q. You can't do it sitting here today?	14:57:1020	frequency range they discussed in the summary, because
14:54:2521	A. No, without I don't know the tolerance of	14:57:4021	really what we're discussing here is how the fringing
14:54:2622	the system, so you're asking such an open-ended question.	14:57:4322	capacitance affects the high frequency with regard to an
14:54:2923	Some systems can handle plus/minus three db, some could	14:57:4723	integrated capacitor array, getting rid of the suck-outs.
14:54:3224	handle as bad as plus/minus 10, some would work at	14:57:5224	Q. I understand. And by the summary of the
14:54:3625	plus/minus one; it's so system specific.	14:57:5425	invention, are you referring to Column 4, Line 25 through
	Page 163		Page 165
14:54:37 1	Q. So in order to be able to apply your	14:57:58 1	Column 5, Line 5?
14:54:40 2	definition	14:57:59 2	A. Yeah, that's what I'm looking through. I'm
14:54:41 3	A. Yeah.	14:58:01 3	trying to remember, maybe I'm wrong and it's not in there.
14:54:41 4	Q of the high frequency performance, a lot of	14:58:04 4	I was just wondering whether the dates of frequencies in
14:54:45 5	other data about the system has to be specified; is that a	14:58:07 5	here. Here you go. Furthermore, here we go. Let's see,
14:54:49 6	fair statement?	14:58:11 6	I'm looking at Column 4, the paragraph that starts at
14:54:49 7	A. Yeah. You need to know the flatness of the	14:58:13 7	Line Sentence 4. Let me just see if it's in there.
14:54:52 8	insertion loss that they require.	14:58:17 8	Q. Column 4, Line 4?
14:54:55 9	Q. And so reading your opinion in the summary	14:58:18 9	A. Yeah. Starting in that area. Here we go.
14:54:5810	which is Exhibit 3, I would not be able to apply it?	14:58:2110	This gives the gist of it pretty well.
14:55:0111	A. Right, because that wasn't the scope of this	14:58:2511	"While parallel capacitor combinations such as
14:55:0312	claim. The claim was using fringe capacitance to affect	14:58:2812	shown in Figures 8A and 8B have been used with some success
14:55:0513	the high frequency performance.	14:58:3213	in commercial devices, these combinations suffer from a
		14:58:3514	·
14:55:0814	Q. I don't understand your answer.		number of drawbacks. First, the measured capacitance of
14:55:0814 14:55:1115	-	14:58:3715	number of drawbacks. First, the measured capacitance of these parallel combinations exhibit variations (resonances
	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe		•
14:55:1115	A. The claim that we're talking about now that	14:58:3715 14:58:4116	these parallel combinations exhibit variations (resonances
14:55:1115 14:55:1316	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe	14:58:3715 14:58:4116	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about
14:55:1115 14:55:1316 14:55:1917	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe capacitance to affect the high frequency performance of the capacitor as a whole.	14:58:3715 14:58:4116 14:58:4417	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about "likely due to a mismatch between the resonances of the
14:55:1115 14:55:1316 14:55:1917 14:55:2418	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe capacitance to affect the high frequency performance of the	14:58:3715 14:58:4116 14:58:4417 14:58:4618	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about "likely due to a mismatch between the resonances of the effective L-R-C circuits that are created by the parallel connected capacitors. Furthermore, the upper frequency
14:55:1115 14:55:1316 14:55:1917 14:55:2418 14:55:2819	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe capacitance to affect the high frequency performance of the capacitor as a whole. Q. And so reading your summary of that claim construction for that element, without additional data	14:58:3715 14:58:4116 14:58:4417 14:58:4618 14:58:4919	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about "likely due to a mismatch between the resonances of the effective L-R-C circuits that are created by the parallel connected capacitors. Furthermore, the upper frequency response of even these parallel combinations may not meet
14:55:1115 14:55:1316 14:55:1917 14:55:2418 14:55:2819 14:55:3420	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe capacitance to affect the high frequency performance of the capacitor as a whole. Q. And so reading your summary of that claim	14:58:3715 14:58:4116 14:58:4417 14:58:4618 14:58:4919 14:58:5520	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about "likely due to a mismatch between the resonances of the effective L-R-C circuits that are created by the parallel connected capacitors. Furthermore, the upper frequency
14:55:1115 14:55:1316 14:55:1917 14:55:2418 14:55:2819 14:55:3420 14:55:3821	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe capacitance to affect the high frequency performance of the capacitor as a whole. Q. And so reading your summary of that claim construction for that element, without additional data about the system and db loss and all the other dimensions	14:58:3715 14:58:4116 14:58:4417 14:58:4618 14:58:4919 14:58:5520 14:58:5821	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about "likely due to a mismatch between the resonances of the effective L-R-C circuits that are created by the parallel connected capacitors. Furthermore, the upper frequency response of even these parallel combinations may not meet the requirements of very wide band (gigahertz) devices in current use. Also, the mechanical stacking," blah, blah,
14:55:1115 14:55:1316 14:55:1917 14:55:2418 14:55:2819 14:55:3420 14:55:3821 14:55:4222	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe capacitance to affect the high frequency performance of the capacitor as a whole. Q. And so reading your summary of that claim construction for that element, without additional data about the system and db loss and all the other dimensions A. I'm just speculating.	14:58:3715 14:58:4116 14:58:4417 14:58:4618 14:58:4919 14:58:5520 14:58:5821 14:59:0522	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about "likely due to a mismatch between the resonances of the effective L-R-C circuits that are created by the parallel connected capacitors. Furthermore, the upper frequency response of even these parallel combinations may not meet the requirements of very wide band (gigahertz) devices in current use. Also, the mechanical stacking," blah, blah, blah. That was where they said gigahertz. Somewhere else
14:55:1115 14:55:1316 14:55:1917 14:55:2418 14:55:2819 14:55:3420 14:55:3821 14:55:4222 14:55:4323	A. The claim that we're talking about now that we're on I think, is the concept of using the fringe capacitance to affect the high frequency performance of the capacitor as a whole. Q. And so reading your summary of that claim construction for that element, without additional data about the system and db loss and all the other dimensions	14:58:3715 14:58:4116 14:58:4417 14:58:4618 14:58:4919 14:58:5520 14:58:5821 14:59:0522 14:59:1123	these parallel combinations exhibit variations (resonances and dropouts)" that's what I was talking about "likely due to a mismatch between the resonances of the effective L-R-C circuits that are created by the parallel connected capacitors. Furthermore, the upper frequency response of even these parallel combinations may not meet the requirements of very wide band (gigahertz) devices in current use. Also, the mechanical stacking," blah, blah,

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	Page 166		Page 168
14:59:17 1	Q. So in that sentence that you read that begins	15:02:13 1	A. No, because high frequency is not the scope of
14:59:21 2	with furthermore they offer frequency response, that	15:02:16 2	the '356 patent. It's the integration of the capacitors to
14:59:24 3	sentence doesn't say high frequency performance, does it?	15:02:19 3	get a smooth insertion loss response. And you can move
14:59:28 4	A. It says very wide band devices.	15:02:22 4	that all around. You could have it where it's tapering off
14:59:32 5	Q. Does it say high, that this is, the band is	15:02:25 5	at a hundred megahertz or you could maybe push it up to 110
14:59:35 6	high frequency, does it?	15:02:28 6	gigahertz, but the trick is they're offering broadband
14:59:36 7	A. Well, wide band, he says gigahertz, the	15:02:32 7	performance. For us to nail it down to one particular
14:59:39 8	implication there being high frequencies.	15:02:34 8	frequency, that's not right, because if you change the
14:59:41 9	Q. And so what's that band? Could you give me	15:02:37 9	value of the capacitors, that will move up and down in
14:59:4410	the upper and lower limit of that band?	15:02:3910	frequency.
14:59:4611	A. Oh, gigahertz okay. Very wide band is not	15:02:3911	Q. And I'm trying to even understand in relevant
14:59:4912	a specific band. Gigahertz just means above one gigahertz	15:02:4412	terms what high frequency would be, how you determine
14:59:5213	in the gigahertz range. It could be up to 110 gigahertz.	15:02:4813	whether something affects high frequency.
14:59:5614	Some people are building circuits at 220 gigahertz.	15:02:5214	Could you tell me what an effect, numerically,
14:59:5915	Q. Is 220 gigahertz high frequency as you've	15:02:5515	what an effect on high frequency would be?
15:00:0716	defined it in your claim construction?	15:03:1316	Could you give me a numerical explanation of
15:00:0917	A. I didn't define it in my claim construction,	15:03:1617	what you mean by an effect on high frequency?
15:00:1118	so	15:03:1918	A. I can give you an example.
15:00:1219	Q. Would .1 gigahertz be high frequency?	15:03:2019	Q. Could you give me a definition?
15:00:1720	A. To an audio engineer.	15:03:2220	A. No. Because the definition changes with the
15:00:2321	Q. Would it be to anybody?	15:03:2421	system.
15:00:2522	A. Yeah, well, to an audio engineer it would be	15:03:2422	Q. And so sitting here today you cannot give me a
15:00:2923	quite high. Let's see. I'm finding another part that	15:03:3123	definition of what you meant when you used the words affect
15:00:3624	gives, mentions it. There's one here on Column 6 near the	15:03:3524	high frequency performance of the capacitor as a whole
15:00:4025	bottom, 64, Line 64, "When the multiple capacitors have	15:03:3825	A. Okay.
	Page 167		Page 169
15:00:45 1	Page 167 peak performance areas that are closely spaced in the high	15:03:39 1	Page 169 Q in your claim construction; is that right?
15:00:45 1 15:00:48 2			
	peak performance areas that are closely spaced in the high		Q in your claim construction; is that right?
15:00:48 2	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete	15:03:42 2	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be
15:00:48 2 15:00:53 3	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B."	15:03:42 2 15:03:47 3	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong.
15:00:48 2 15:00:53 3 15:00:57 4	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete	15:03:42 2 15:03:47 3 15:03:49 4	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be
15:00:48 2 15:00:53 3 15:00:57 4 15:01:00 5	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B."	15:03:42 2 15:03:47 3 15:03:49 4 15:03:52 5	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be the highest usable frequencies of the device. You could call it divide it roughly into low frequency, medium frequency and high frequency.
15:00:48 2 15:00:53 3 15:00:57 4 15:01:00 5 15:01:03 6 15:01:05 7 15:01:07 8	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B." I would totally agree with that. Here we go, here's some numbers coming up. Here we go. Column 7, Line 14, "Further, if	15:03:42 2 15:03:47 3 15:03:49 4 15:03:52 5 15:03:57 6 15:04:00 7 15:04:01 8	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be the highest usable frequencies of the device. You could call it divide it roughly into low frequency, medium frequency and high frequency. The capacitor that they've come up with will
15:00:48 2 15:00:53 3 15:00:57 4 15:01:00 5 15:01:03 6 15:01:05 7 15:01:07 8 15:01:16 9	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B." I would totally agree with that. Here we go, here's some numbers coming up. Here we go. Column 7, Line 14, "Further, if the capacitance in the lower value, high frequency lower	15:03:42 2 15:03:47 3 15:03:49 4 15:03:52 5 15:03:57 6 15:04:00 7 15:04:01 8 15:04:04 9	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be the highest usable frequencies of the device. You could call it divide it roughly into low frequency, medium frequency and high frequency. The capacitor that they've come up with will operate over this large broadband. That's why it called a
15:00:48 2 15:00:53 3 15:00:57 4 15:01:00 5 15:01:03 6 15:01:05 7 15:01:07 8 15:01:16 9 15:01:2010	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B." I would totally agree with that. Here we go, here's some numbers coming up. Here we go. Column 7, Line 14, "Further, if the capacitance in the lower value, high frequency lower section is made to have a capacitance of about 82	15:03:42 2 15:03:47 3 15:03:49 4 15:03:52 5 15:03:57 6 15:04:00 7 15:04:01 8 15:04:04 9 15:04:0610	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be the highest usable frequencies of the device. You could call it divide it roughly into low frequency, medium frequency and high frequency. The capacitor that they've come up with will operate over this large broadband. That's why it called a broadband capacitor, would you agree, a low frequency
15:00:48 2 15:00:53 3 15:00:57 4 15:01:00 5 15:01:03 6 15:01:05 7 15:01:07 8 15:01:16 9 15:01:2010 15:01:2411	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B." I would totally agree with that. Here we go, here's some numbers coming up. Here we go. Column 7, Line 14, "Further, if the capacitance in the lower value, high frequency lower section is made to have a capacitance of about 82 picofarads, the insertion loss plot of Figure 21B is	15:03:42 2 15:03:47 3 15:03:49 4 15:03:52 5 15:03:57 6 15:04:00 7 15:04:01 8 15:04:04 9 15:04:0610 15:04:1011	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be the highest usable frequencies of the device. You could call it divide it roughly into low frequency, medium frequency and high frequency. The capacitor that they've come up with will operate over this large broadband. That's why it called a broadband capacitor, would you agree, a low frequency chunk, a middle and a high.
15:00:48 2 15:00:53 3 15:00:57 4 15:01:00 5 15:01:03 6 15:01:05 7 15:01:07 8 15:01:16 9 15:01:2010 15:01:2411 15:01:2812	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B." I would totally agree with that. Here we go, here's some numbers coming up. Here we go. Column 7, Line 14, "Further, if the capacitance in the lower value, high frequency lower section is made to have a capacitance of about 82 picofarads, the insertion loss plot of Figure 21B is relatively smooth over a frequency range of about 10	15:03:42 2 15:03:47 3 15:03:49 4 15:03:52 5 15:03:57 6 15:04:00 7 15:04:01 8 15:04:04 9 15:04:0610 15:04:1011 15:04:1112	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be the highest usable frequencies of the device. You could call it divide it roughly into low frequency, medium frequency and high frequency. The capacitor that they've come up with will operate over this large broadband. That's why it called a broadband capacitor, would you agree, a low frequency chunk, a middle and a high. The fringing capacitance is affecting the high
15:00:48 2 15:00:53 3 15:00:57 4 15:01:00 5 15:01:05 7 15:01:05 7 15:01:16 9 15:01:2010 15:01:2411 15:01:2812 15:01:3213	peak performance areas that are closely spaced in the high frequency (gigahertz) range of operation, when combined, the result can be a flatter frequency response than is possible in prior approaches of stacking multiple discrete ceramic capacitors such as shown in Figures 8A and 8B." I would totally agree with that. Here we go, here's some numbers coming up. Here we go. Column 7, Line 14, "Further, if the capacitance in the lower value, high frequency lower section is made to have a capacitance of about 82 picofarads, the insertion loss plot of Figure 21B is relatively smooth over a frequency range of about 10 kilohertz to 10 gigahertz and higher."	15:03:42 2 15:03:47 3 15:03:49 4 15:03:52 5 15:03:57 6 15:04:00 7 15:04:01 8 15:04:04 9 15:04:0610 15:04:1011 15:04:1112 15:04:1413	Q in your claim construction; is that right? A. Okay. Now I can. Okay. I've been hearing you a little wrong. What they mean by the high frequency would be the highest usable frequencies of the device. You could call it divide it roughly into low frequency, medium frequency and high frequency. The capacitor that they've come up with will operate over this large broadband. That's why it called a broadband capacitor, would you agree, a low frequency chunk, a middle and a high. The fringing capacitance is affecting the high end of that. Does that help? It doesn't affect the
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	Page 170		Page 172
15:05:02 1	MR. AHRENS: Let's take about a five-minute	15:18:38 1	frequency can arrive at a different ranges than you would
15:05:03 2	break. This is just going back and forth with talking over	15:18:46 2	based on your construction; is that right?
15:05:05 3	and she's just getting absolutely overwhelmed by the fact	15:18:48 3	A. I think that if they divide it into the three,
15:05:09 4	that you're both talking at the same time. Let's just take	15:18:53 4	if we were given the same system constraints, we would
15:05:11 5	about a five-minute break and just relax.	15:18:58 5	probably come up with nominally the same boundaries, but is
15:05:12 6	THE WITNESS: Okay. Okay.	15:19:04 6	this
15:05:14 7	MR. SLONIM: It's about as good time as any.	15:19:05 7	Q. Is there something in your construction that
8	(A recess was taken from 3:05 p.m. to 3:15	15:19:08 8	predetermines how one would be able to define the medium
15:05:16 9	p.m.)	15:19:17 9	and the high frequency differentiate between medium and
15:16:0810	Q. BY MR. SLONIM: So, can you give me a boundary		high frequency, reliably?
15:16:2311	between what you've described as the low frequency and	15:19:2811	A. I haven't thought about that. I don't have an
15:16:2712	medium frequency?	15:19:3012	answer for you at this moment.
15:16:2813	A. I can't, because it's so application specific,	15:19:3113	Q. So is the answer no?
15:16:3014	it changes.	15:19:3414	MR. SCHATZ: Objection, asked and answered.
15:16:3215	Q. So how would one, applying your construction	15:19:3615	THE WITNESS: No.
15:16:4016	and needing to know what the low frequency is, the medium	15:19:3716	Q. BY MR. SLONIM: What do you mean by that no?
15:16:4417	frequency, and the high frequency, be able to determine	15:19:4517	A. You asked if it was a yes or a no.
15:16:4618	which, whether that person is applying your construction?	15:19:4818	O. It's a no?
15:16:5219	MR. SCHATZ: Objection, vague.	15:19:4919	A. It's a no.
15:16:5520	Q. BY MR. SLONIM: You may answer.	15:19:5120	Q. So sitting here today, you cannot define or
15:16:5621	A. I wasn't I wasn't asked to work on that at	15:19:5821	teach one how to determine the difference between a medium
15:16:5822	all, so I haven't formulated an opinion on it.	15:20:0422	frequency and a high frequency?
15:17:0223	Q. And as you sit here today, do you understand	15:20:0422	MR. SCHATZ: Objection, compound.
15:17:0223			-
15:17:0524	now that in order to have a meaningful construction,	15:20:0724	Q. BY MR. SLONIM: As you've offered it in your
15:17:1825	construction has to be able to be applied or quantified,	15:20:0825	construction?
	Page 171		Page 173
15:17:21 1	and you could and you should be able to use that	15:20:09 1	MR. SCHATZ: Objection, compound question.
15:17:23 2	construction to decide whether a particular capacitor falls	15:20:11 2	THE WITNESS: Well, I haven't focused on that
15:17:28 3	within that construction or does not? Do you understand	15:20:13 3	to answer this claim construction, so I don't have an
15:17:30 4	that sitting here today now?	15:20:19 4	answer for you right now on it.
15:17:32 5	MR. SCHATZ: Objection. Calls for a legal	15:20:20 5	Q. BY MR. SLONIM: And when you mention the
15:17:34 6	conclusion, and it's a misstatement of the law.	15:20:24 6	highest usable frequency, what does that mean?
15:17:38 7	Q. BY MR. SLONIM: You may answer.	15:20:27 7	A. I have I don't remember the context that I
15:17:39 8	A. I understand what you're saying, but I don't	15:20:40 8	used that in. Can you remind me?
15:17:43 9	have an opinion today on that.	15:20:47 9	Q. Is it your expert opinion that the term
15:17:4410	Q. And you haven't offered that opinion in your	15:20:5910	affects high frequency performance means affects highes
15:17:4911	summary?	15:21:0611	usable frequency, that the fringe-effect affects highest
15:17:4912	A. I have not offered that opinion.	15:21:1112	usable frequency?
15:17:5113	Q. And when you said the what's the could	15:21:1113	A. In this capacitor
15:17:5714	you define the boundary between medium frequency and high	15:21:1314	Q. Yes.
15:18:0315	frequency, as you've mentioned in explaining your	15:21:1315	A. It does.
15:18:0716	construction?	15:21:1316	Q. In this claim? In this claim?
15:18:0717	A. That's it's a vague term. You know, I'd	15:21:1817	A. Yeah. It's for the upper frequency range of
15:18:1318	have to know the exact frequency spectrum that it's over,	15:21:2018	this broadband device.
15:18:1919	and then you could divide it out, so it's totally	15:21:2419	Q. Upper frequency range?
15:18:2220	subjective, so I don't have I can't answer that then.	15:21:2520	A. High frequency.
15:18:2421	Q. So, somebody else would	15:21:2721	Q. Do you have any numerical limitations for the
15:18:2522	A. Yeah. A system designer could sorry,	15:21:3122	upper frequency range?
15:18:2923	talking over him.	15:21:3223	A. No, again, because it's a factor
15:18:2924	Q. So somebody else trying to work or classify	15:21:3524	MR. SCHATZ: Objection, asked and answered.
15:18:3425	frequencies into low frequency, medium frequency and high	15:21:3625	Q. BY MR. SLONIM: You may answer.

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	Page 174		Page 176
15:21:37 1	A. Well, I think I already answered that before,	15:25:31 1	hundred gigahertz? If you're giving me a number that's in
15:21:39 2	that it's dependent on the capacitor value and application.	15:25:33 2	a mid range, it won't make any change at all, so we're just
15:21:42 3	Q. So sitting here today you cannot tell me what	15:25:40 3	throwing numbers around right now.
15:21:44 4	the upper frequency portion, as you've said?	15:25:41 4	Q. Assuming that the highest number without the
15:21:48 5	A. I cannot.	15:25:46 5	fringe-effect is nine gigahertz, do I understand you
15:21:49 6	Q. And what is the highest usable frequency of	15:25:49 6	correctly that if you were to introduce the fringe-effect
15:21:55 7	the capacitor? What's the definition of that part?	15:25:54 7	into that capacitor, and now the capacitor as a whole goes
15:21:57 8	A. That would be system specific how much loss	15:26:02 8	to nine and a half gigahertz, is that additional half a
15:22:05 9	you can tolerate at a given frequency, so there's no hard	15:26:06 9	gigahertz above nine gigahertz what you would call the
15:22:1110	answer for it.	15:26:1010	highest usable capacitance? Highest usable frequency? I
15:22:1211	Q. Is there any answer for that?	15:26:1911	apologize.
15:22:1912	A. There's an answer for every application of the	15:26:1912	MR. SCHATZ: Objection, calls for speculation.
15:22:2513	device.	15:26:2113	THE WITNESS: Yeah. Without knowing the
15:22:2514	Q. So sitting here today, you cannot say what the	15:26:2314	system, I just don't feel comfortable answering that one.
15:22:2815	definition of the highest usable frequency is?	15:26:2715	I just don't have enough information to give an intelligent
15:22:3216	MR. SCHATZ: Objection, mischaracterization of	15:26:3116	answer on that.
15:22:3817	the testimony.	15:26:3217	Q. BY MR. SLONIM: So does that mean, your
15:22:3818	Q. BY MR. SLONIM: You may answer.	15:26:3718	inability to give an intelligent answer about an example of
15:22:3919	A. Yeah, I don't have answer for you right now.	15:26:4019	a, or a definition of the highest usable frequency, does
15:22:4120	Q. Can I, in one instance understand that if the	15:26:4520	that also mean that the Court cannot rely on your
15:22:4721	capacitor without fringe-effect has goes up to let's say	15:26:4921	definition of the highest usable frequency, in your
15:22:5622	nine gigahertz	15:26:5322	opinion?
15:22:5723	A. Okay.	15:26:5323	A. Will they be asking about that in regards to
15:22:5824	Q and if you introduce fringe-effect and now	15:26:5624	this claim?
15:23:0325	you've measured the frequency performance of the capacitor	15:26:5925	Q. Absolutely.
	Page 175		Page 177
15:23:07 1	as a whole at nine and a half gigahertz, is, in my example	15:27:00 1	A. Expected result of adding fringe capacitance,
15:23:15 2	nine and the half of a gigahertz above nine, is that now	15:27:20 2	such as described in the '356 patent, would be a reduction
15:23:20 3	the highest usable frequency, as you've mentioned in your	15:27:24 3	in insertion loss at the highest frequencies that it's
15:23:24 4	claim construction?	15:27:28 4	
1 5 0 2 0 5 5	· · · · · · · · · · · · · · · · · · ·		being used at.
15:23:25 5	MR. SCHATZ: Objection, calls for speculation.	15:27:29 5	being used at. Q. What's a reduction?
15:23:25 5 15:23:35 6	MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: You may answer.	15:27:29 5 15:27:30 6	Q. What's a reduction? A. Less loss.
15:23:35 6 15:23:37 7	• • • •		Q. What's a reduction?A. Less loss.Q. By how much?
15:23:35 6	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer.	15:27:30 6 15:27:31 7 15:27:34 8	Q. What's a reduction?A. Less loss.Q. By how much?A. It's frequency dependent.
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9	Q. BY MR. SLONIM: You may answer.A. Yeah, I would just be speculating at this point if I gave you an answer.Q. Am I right about my understanding of your	15:27:30 6 15:27:31 7 15:27:34 8 15:27:38 9	Q. What's a reduction?A. Less loss.Q. By how much?A. It's frequency dependent.Q. Let's say
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810	 Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? 	15:27:30 6 15:27:31 7 15:27:34 8 15:27:38 9 15:27:4210	 Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311	 Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to 	15:27:30 6 15:27:31 7 15:27:34 8 15:27:38 9 15:27:4210 15:27:4411	 Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point.
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311 15:23:5412	 Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said 	15:27:30 6 15:27:31 7 15:27:34 8 15:27:38 9 15:27:4210 15:27:4411 15:27:4412	 Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311 15:23:5412 15:23:5813	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said what you are	15:27:30 6 15:27:31 7 15:27:34 8 15:27:38 9 15:27:4210 15:27:4411 15:27:4412	 Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz A. Yes.
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311 15:23:5412 15:23:5813 15:24:0114	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said what you are Q. BY MR. SLONIM: In your expert opinion?	15:27:30 6 15:27:31 7 15:27:34 8 15:27:38 9 15:27:4210 15:27:4411 15:27:4412 15:27:4613 15:27:4614	 Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz A. Yes. Q what would be the reduction in insertion
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311 15:23:5412 15:23:5813 15:24:0114 15:24:0215	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said what you are Q. BY MR. SLONIM: In your expert opinion? A. What you said isn't complete enough for me	15:27:30 6 15:27:31 7 15:27:34 8 15:27:38 9 15:27:4210 15:27:4411 15:27:4412 15:27:4613 15:27:4614 15:27:4815	 Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz A. Yes. Q what would be the reduction in insertion loss?
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15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311 15:23:5412 15:23:5813 15:24:0114 15:24:0215 15:24:3316 15:24:3517 15:24:3718 15:24:4119 15:24:4420	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said what you are Q. BY MR. SLONIM: In your expert opinion? A. What you said isn't complete enough for me to Q. What else do you need to know? A. We need another to know the insertion loss versus frequency for the A, B example. Q. And how would the insertion loss define the	15:27:30 6 15:27:31 7 15:27:34 8 15:27:42 10 15:27:44 11 15:27:46 13 15:27:46 14 15:27:48 15 15:27:48 16 15:27:51 17 15:27:54 18 15:27:57 19 15:27:57 19 15:28:00 20	Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz A. Yes. Q what would be the reduction in insertion loss? A. That, I can't answer without knowing the impedances of the system, and that is unfair to ask, so Q. At 15 gigahertz, what would be the reduction in insertion loss? THE WITNESS: I don't know the capacitance.
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311 15:23:5412 15:23:5813 15:24:0114 15:24:0215 15:24:3316 15:24:3517 15:24:3718 15:24:4119 15:24:4420 15:24:5221	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said what you are Q. BY MR. SLONIM: In your expert opinion? A. What you said isn't complete enough for me to Q. What else do you need to know? A. We need another to know the insertion loss versus frequency for the A, B example. Q. And how would the insertion loss define the highest usable frequency?	15:27:30 6 15:27:31 7 15:27:34 8 15:27:42 10 15:27:44 11 15:27:44 12 15:27:46 13 15:27:46 14 15:27:48 16 15:27:48 16 15:27:51 17 15:27:51 17 15:27:51 19 15:28:00 20 15:28:00 21	Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz A. Yes. Q what would be the reduction in insertion loss? A. That, I can't answer without knowing the impedances of the system, and that is unfair to ask, so Q. At 15 gigahertz, what would be the reduction in insertion loss? THE WITNESS: I don't know the capacitance. MR. SCHATZ: Objection, calls for speculation.
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15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:4810 15:23:5311 15:23:5412 15:23:5813 15:24:0114 15:24:0215 15:24:3316 15:24:3517 15:24:3718 15:24:4119 15:24:4420 15:24:5221	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said what you are Q. BY MR. SLONIM: In your expert opinion? A. What you said isn't complete enough for me to Q. What else do you need to know? A. We need another to know the insertion loss versus frequency for the A, B example. Q. And how would the insertion loss define the highest usable frequency? A. Okay. In a capacitor such as the '356 patent covers again, to say nine gigahertz, that's dangerous,	15:27:30 6 15:27:31 7 15:27:34 8 15:27:42 10 15:27:44 11 15:27:44 12 15:27:46 13 15:27:46 14 15:27:48 16 15:27:48 16 15:27:51 17 15:27:51 17 15:27:51 19 15:28:00 20 15:28:00 21	Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz A. Yes. Q what would be the reduction in insertion loss? A. That, I can't answer without knowing the impedances of the system, and that is unfair to ask, so Q. At 15 gigahertz, what would be the reduction in insertion loss? THE WITNESS: I don't know the capacitance. MR. SCHATZ: Objection, calls for speculation. THE WITNESS: Yeah, I really seriously don't have enough information. I don't think any engineer would
15:23:35 6 15:23:37 7 15:23:39 8 15:23:41 9 15:23:5311 15:23:5311 15:23:5412 15:23:5813 15:24:0114 15:24:0215 15:24:3316 15:24:3517 15:24:3718 15:24:4119 15:24:420 15:24:5422 15:24:5422	Q. BY MR. SLONIM: You may answer. A. Yeah, I would just be speculating at this point if I gave you an answer. Q. Am I right about my understanding of your highest usable frequency, or not, in my example? MR. SCHATZ: Objection, you're asking him to speculate as to whether you're right, and you haven't said what you are Q. BY MR. SLONIM: In your expert opinion? A. What you said isn't complete enough for me to Q. What else do you need to know? A. We need another to know the insertion loss versus frequency for the A, B example. Q. And how would the insertion loss define the highest usable frequency? A. Okay. In a capacitor such as the '356 patent	15:27:30 6 15:27:31 7 15:27:34 8 15:27:42 10 15:27:44 11 15:27:44 12 15:27:46 13 15:27:46 14 15:27:48 15 15:27:48 16 15:27:51 17 15:27:51 17 15:27:57 19 15:28:00 20 15:28:00 21 15:28:00 22 15:28:03 23	Q. What's a reduction? A. Less loss. Q. By how much? A. It's frequency dependent. Q. Let's say A. That would be totally speculative at this point. Q. At nine gigahertz A. Yes. Q what would be the reduction in insertion loss? A. That, I can't answer without knowing the impedances of the system, and that is unfair to ask, so Q. At 15 gigahertz, what would be the reduction in insertion loss? THE WITNESS: I don't know the capacitance. MR. SCHATZ: Objection, calls for speculation. THE WITNESS: Yeah, I really seriously don't

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	Page 178		Page 180
15:28:11 1	could prepare it. That's a good one to think about, to do	15:30:53 1	Q. We would understand in substance.
15:28:16 2	work on.	15:30:56 2	A. Reduction of the dropouts, or minimizing them,
15:28:16 3	Q. BY MR. SLONIM: And so would it be a fair	15:31:00 3	I don't remember what word I used, and lowered insertion
15:28:20 4	statement that your construction of this claim element that	15:31:06 4	loss.
15:28:26 5	says affects high frequency performance of a capacitor as a	15:31:06 5	Q. And how much is it supposed to be a
15:28:30 6	whole would not be able to be applied without additional	15:31:10 6	positive effect on high frequency performance?
15:28:41 7	information and work to be performed?	15:31:14 7	A. It's beneficial.
15:28:43 8	A. To give you	15:31:16 8	Q. So it would exclude a detrimental effect on
15:28:45 9	MR. SCHATZ: Objection, vague. What do you	15:31:23 9	high frequency performance?
15:28:4810	mean by applied?	15:31:2510	A. So this claim excludes detrimental affects is
15:28:4911	Q. BY MR. SLONIM: You may answer if you	15:31:3011	what you're asking?
15:28:5012	understand the question.	15:31:3112	Q. My question is, when you say in your claim
15:28:5113	A. I would have to have more specific information	15:31:3413	construction
15:28:5514	on the system you're talking about to give you a meaningful	15:31:3414	A. Yes.
15:29:0015	result. I think the Devoes cover it pretty well in their	15:31:3515	Q fringe affect capacitance affects high
15:29:0816	patent, what it does for you.	15:31:3816	frequency performance, does it cover a detrimental effect
15:29:1417	Q. But does the patent define what a high	15:31:4517	on high frequency performance?
15:29:1718	frequency is or high frequency performance?	15:31:4718	A. Well, the intention is to improve high
15:29:1919	A. I think they do.	15:31:5119	frequency performance.
15:29:2520	Q. Could you tell me what that definition is as	15:31:5320	Q. So what's the answer to my question?
15:29:2921	you understand it?	15:31:5621	Does it cover detrimental effect on high
15:29:2922	A. The reduction, paraphrasing a little here,	15:32:0222	frequency performance, or not?
15:29:3223	we've read it before in here, the reduction of the did	15:32:0423	It's a yes or no question.
15:29:3524	they call it suck-outs, or dropouts, the reduction of the	15:32:0624	A. It discusses detrimental performance,
15:29:3925	dropouts in higher frequency and lowered insertion loss,	15:32:1925	minimizing it. The terms they use is improving
	Page 179		Page 181
15:29:45 1	and I totally agree with that.	15:32:22 1	performance.
15:29:50 2	Q. How would that correlate with your concept of	15:32:23 2	Q. But you didn't use the words in your claim
15:29:55 3	highest usable frequency, the reduction in insertion loss?	15:32:26 3	construction about improving high frequency performance?
15:29:58 4	A. Well, I don't say highest usable frequency	15:32:29 4	A. I don't think I have to. Affects. I mean,
15:30:04 5	anywhere in my report.	15:32:31 5	you could affect positive or negative if you were so
15:30:04 6	Q. You've mentioned it about a half hour ago in	15:32:34 6	inclined.
15:30:06 7	trying to define your, give more meaning to your	15:32:35 7	Q. And I'm trying to understand whether your
15:30:09 8	construction.	15:32:39 8	construction means is it a positive effect?
15:30:10 9	A. But I don't think it's relevant to my	15:32:42 9	A. I had no meaning either way. It's a fact that
15:30:1110	construction because we're not talking about we're	15:32:4510	the fringe capacitor will affect the high frequency
15:30:1511	talking about the high frequency performance.	15:32:4811	performance. I didn't say if it would be positive, you
15:30:1912	Q. What is it, when you say affects high	15:32:5012	know, beneficial or detrimental, though. I did not.
15:30:2613	frequency performance, does it what kind of effect is	15:32:5513	Q. And so sitting here today, what is your
15:30:3014	required?	15:32:5714	opinion what your claim construction covers, whether that
15:30:3115	MR. SCHATZ: Object, asked and answered.	15:33:0415	covers the phrase affects high frequency performance of the
15:30:3216	THE WITNESS: Yeah, I think I just answered	15:33:0616	capacitor as a whole, whether that covers a detrimental
15:30:3417	that in my testimony two questions ago	15:33:1117	effect or negative effect?
15:30:3718	Q. BY MR. SLONIM: If you could repeat that?	15:33:1318	Does it or does it not, your construction as
15:30:3819	A about the dropouts.	15:33:1619	you offer it to the Court?
15:30:4220	Q. If you could repeat that answer. What kind	15:33:1720	A. Well, it covers both.
15:30:4321	of	15:33:2421	Q. But you just testified that the intent of the
15:30:4322	A. Reduction. She has it on the machine there,	15:33:2922	patent was only to cover positive effects of the
15:30:4723	if we can pull that out.	15:33:3623	A. I don't think I used the word only. I didn't
15:30:4724	Q. Can you repeat that answer?	15:33:3824	say only, did I?
15:30:4925	A. Well, I probably won't say it verbatim.	15:33:4025	Q. What is your understanding that the patent was

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	Page 182		Page 184
15:33:50 1	intended to cover?	15:36:37 1	MR. SCHATZ: Objection, asked and answered.
15:33:52 2	A. Okay. Making sure you're done.	15:36:38 2	THE WITNESS: That is a fair statement.
15:33:59 3	That the Devoes discovered that this fringing	15:36:40 3	Q. BY MR. SLONIM: If you could look in
15:34:02 4	capacitance, could affect the high frequency performance in	15:37:07 4	Exhibit 1, the '356 patent, at Figure 10A, what do you
15:34:06 5	a positive way, reduction of insertion loss and reduction	15:37:20 5	understand I'm looking at pad 72 and 74.
15:34:09 6	of these dropouts. So I think that does that finalize	15:37:23 6	A. Mm-hm (affirmative response).
15:34:15 7	that part of it? I mean, have I been clear on that then?	15:37:24 7	Q. What do you understand to be in the gap
15:34:18 8	Q. So does it mean that the effect on high	15:37:26 8	between 72 and 74?
15:34:22 9	frequency performance has only only has to be a positive	15:37:28 9	A. Hm.
15:34:2910	effect?	15:37:3110	Q. Do you understand it to be air?
15:34:3111	A. No, I don't think I can make a statement on	15:37:3211	A. I have made no assumption.
15:34:3512	that. I mean	15:37:3512	Q. Is it, from your reading of the patent, what
15:34:3713	Q. In your expert opinion on your construction?	15:37:4613	is your understanding of that gap?
15:34:3914	A. That's a the effect has to be positive.	15:37:5114	A. Well, in this specific figure, it does not
15:34:4915	Q. I'm trying to understand whether your	15:37:5815	discuss it at all.
15:34:5216	construction is limited by the fact that the Devoes	15:37:5916	Q. Would it be a reasonable assumption to say
15:35:0017	invented, allegedly, the positive effect on high frequency	15:38:0317	that if there's no dialectric shown in the gap between pad
15:35:1018	performance, whether your construction necessarily has to	15:38:1018	72 and 74, that this is air?
15:35:1419	be limited to only positive effects, because the way I read	15:38:1319	A. I have no opinion on it. I think that would
15:35:2120	your construction now, it could cover any effect, and I'm	15:38:1620	be
15:35:2721	trying to understand, is it limited to any particular	15:38:1821	Q. Is that a reasonable assumption for an expert
15:35:3022	effect or not?	15:38:2122	and one of ordinary skill in the art?
15:35:3123	A. The intention is improved performance. Does	15:38:2423	MR. SCHATZ: Objection, asked and answered.
15:35:3624	that answer the question?	15:38:2624	Q. BY MR. SLONIM: You can answer.
15:35:3725	Q. No. In terms of construction.	15:38:3125	A. I don't think there's enough information to
	Page 183		Page 185
15:35:42 1	MR. SCHATZ: Objection, asked and answered.	15:38:39 1	make a determination of what's in the gap in this drawing
15:35:44 2	Q. BY MR. SLONIM: In terms of your claim	15:38:42 2	Q. But would it be fair to say that the
15:35:45 3	construction, does it cover negative effects on high	15:38:47 3	dialectric that's present between 66 and 68 is not in the
15:35:49 4	frequency performance?	15:38:54 4	gap between 72 and 74?
15:35:51 5	MR. SCHATZ: Objection, asked and answered.	15:38:56 5	MR. SCHATZ: Objection, asked and answered.
15:35:55 6	Q. BY MR. SLONIM: You may answer.	15:38:58 6	THE WITNESS: The drawing does not show the
15:35:56 7	A. I think I just answered it that it's for	15:39:10 7	same dialectric in the gap, but it doesn't mean it couldn't
15:35:59 8	improved performance.	15:39:14 8	be put there; again, I don't know, there's not enough
15:36:00 9	Q. So is the answer no to my question?	15:39:17 9	information in this drawing.
15:36:0210	A. Does it cover	15:39:1910	Q. BY MR. SLONIM: But as this drawing exists
15:36:0411	Q. Negative effects or detrimental effects	15:39:2111	now, is that a fair statement about this drawing?
15:36:0712	A. Negative effects.	15:39:3112	A. Oh, that the same dialectric
15:36:0813	Q on high frequency performance?	15:39:3513	Q. That there is a different dialectric?
15:36:1014	MR. SCHATZ: Objection, asked and answered.	15:39:3714	A. Oh, I don't think you could say it would be
15:36:1215	THE WITNESS: I thought I just answered that I	15:39:3915	different. They just may have not shaded it in, so, I
15:36:1416	said it covered improved.	15:39:4316	don't know.
15:36:1416 15:36:1617	said it covered improved. Q. BY MR. SLONIM: Is the answer to my question	15:39:4316 15:39:4417	don't know. Q. So you would expect that this drawing may be
	-		
15:36:1617	Q. BY MR. SLONIM: Is the answer to my question	15:39:4417	Q. So you would expect that this drawing may be
15:36:1617 15:36:1718	Q. BY MR. SLONIM: Is the answer to my question no?	15:39:4417 15:39:4718	Q. So you would expect that this drawing may be inaccurate if something hasn't been shaded in?
15:36:1617 15:36:1718 15:36:1719	Q. BY MR. SLONIM: Is the answer to my question no? A. So no meaning it does not cover negative	15:39:4417 15:39:4718 15:39:5219	Q. So you would expect that this drawing may be inaccurate if something hasn't been shaded in?A. A lot of things can happen to a surface mount
15:36:1617 15:36:1718 15:36:1719 15:36:2220	Q. BY MR. SLONIM: Is the answer to my question no? A. So no meaning it does not cover negative effects?	15:39:4417 15:39:4718 15:39:5219 15:39:5520	Q. So you would expect that this drawing may be inaccurate if something hasn't been shaded in?A. A lot of things can happen to a surface mount capacitor when it's put on a circuit board.
15:36:1617 15:36:1718 15:36:1719 15:36:2220 15:36:2321	Q. BY MR. SLONIM: Is the answer to my question no? A. So no meaning it does not cover negative effects? Q. Correct.	15:39:4417 15:39:4718 15:39:5219 15:39:5520 15:39:5721	 Q. So you would expect that this drawing may be inaccurate if something hasn't been shaded in? A. A lot of things can happen to a surface mount capacitor when it's put on a circuit board. Q. As it exists here, without mounting it.
15:36:1617 15:36:1718 15:36:1719 15:36:2220 15:36:2321 15:36:2322	Q. BY MR. SLONIM: Is the answer to my question no? A. So no meaning it does not cover negative effects? Q. Correct. A. I hadn't thought about that side of it.	15:39:4417 15:39:4718 15:39:5219 15:39:5520 15:39:5721 15:40:0122 15:40:0423	 Q. So you would expect that this drawing may be inaccurate if something hasn't been shaded in? A. A lot of things can happen to a surface mount capacitor when it's put on a circuit board. Q. As it exists here, without mounting it. A. Well, from the drawing

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15:40:15 1 15:40:18 2 15:40:21 3	Page 186		Page 188
	crosshatched pattern, I can agree with you on that.	15:43:23 1	description of the invention in the '356 patent. I think
15:40:21 3	Q. And would the fact that it's not the same	15:43:28 2	it's adequately described in there, dialectrics.
	crosshatched pattern imply that there is a different	15:43:31 3	Q. BY MR. SLONIM: Can you answer my question?
15:40:25 4	material in the gap between 72 and 74?	15:43:36 4	Is there something about how would you be
15:40:30 5	A. I can't make that assumption.	15:43:43 5	able to tell whether a figure accurately describes a
15:40:31 6	Q. On Figure 10A?	15:43:46 6	particular plate as within or outside of the dialectric
15:40:32 7	A. Yeah. That, I don't think it's fair to say,	15:43:50 7	body if you can't say from the hatchings and absence of
15:40:34 8	and I can't speculate on that because the Devoes in some	15:43:55 8	hatchings whether the materials are different?
15:40:39 9	parts of the patent talk about embedding the plates in	15:43:57 9	MR. SCHATZ: Same objection, beyond the scope
15:40:4110	dialectric or not, so, for me to say they did or didn't put	15:43:5810	of Dr. Godshalk's Summary of Opinions.
15:40:4511	in dialectric would be speculation, so I can't give you an	15:44:0111	THE WITNESS: Yeah, it is beyond the scope of
15:40:4912	accurate answer on that.	15:44:0312	what I was asked to do, but I'd recommend reading this
15:40:5013	Q. So how would one looking at Figure 10A and	15:44:0613	patent summary because I think it's pretty accurately
15:40:5514	trying to understand what it is, be able to make a fair	15:44:0914	described in here.
15:40:5815	judgment on this question whether the same material or	15:44:1015	Q. BY MR. SLONIM: So you can't answer my
15:41:0216	different material is present in the gaps between 66 and 68		question?
15:41:0817	on one hand and 72 and 74 on the other hand?	15:44:1117	A. Read the patent and see what they say.
15:41:1118	MR. SCHATZ: Objection, calls for speculation.	15:44:1418	Q. No, my question is, how can you, as an expert
19	THE WITNESS: I don't think it's possible.	15:44:1619	witness, if you are unable to tell me whether what's
15:41:1320	MR. SCHATZ: And it's outside the scope of	15:44:2120	depicted in Figure 10A about dialectric materials in the
15:41:1521	Dr. Godshalk's summary on claim construction.	15:44:2721	gaps is accurate or not, how could you then tell me, for
15:41:2022	Q. BY MR. SLONIM: You may answer.	15:44:3122	example, whether a conductor, let's say 10 or 10 prime, is
15:41:2123	A. Yeah, I don't think it's possible to know from	15:44:4023	within the dialectric body or outside of the dialectric
15:41:2224	the drawing.	15:44:4524	body, for example?
15:41:2325	Q. So you would need additional information from	15:44:4725	MR. SCHATZ: Objection.
	Page 187		Page 189
15:41:32 1		15 44 45 1	
15:41:32 1	the Devoes in order to understand that? A. Yeah, the that was not the central idea of	15:44:47 1	Q. BY MR. SLONIM: Based on that figure?
15:41:33 2	·	15:44:49 2	MR. SCHATZ: Objection, mischaracterizes the
15:41:40 3	the patent. What they're talking about is the infringing	15:44:51 3	tastimany. Dr. Cadaballa did not tastify ha was unable to
15.41.44.4		15.44.54.4	testimony. Dr. Godshalk did not testify he was unable to
15:41:44 4	capacitance as if the dialectrics are the same or	15:44:54 4	do anything. He just testified he doesn't have an opinion
15:41:46 5	different, I don't think that materially affects the	15:44:56 5	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue.
15:41:46 5 15:41:48 6	different, I don't think that materially affects the patent.	15:44:56 5 15:45:02 6	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer.
15:41:46 5 15:41:48 6 15:41:48 7	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between	15:44:56 5 15:45:02 6 15:45:02 7	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent?	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:06 9	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction.
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:06 9 15:45:1010	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:06 9 15:45:1010 15:45:1211	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions.	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:06 9 15:45:1010 15:45:1211 15:45:1812	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent.
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions. THE WITNESS: Yeah, I hadn't considered that,	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:06 9 15:45:1010 15:45:1211 15:45:1812	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent. Q. If you can turn to Column 7, Lines 50 through
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712 15:42:3013 15:42:3214	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions. THE WITNESS: Yeah, I hadn't considered that, so I don't have an answer on that.	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:06 9 15:45:10 10 15:45:12 11 15:45:18 12 15:45:19 13 15:45:35 14	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent. Q. If you can turn to Column 7, Lines 50 through 56.
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712 15:42:3013 15:42:3214 15:42:3315	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions. THE WITNESS: Yeah, I hadn't considered that, so I don't have an answer on that. Q. BY MR. SLONIM: If you can't rely on the	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:10 10 15:45:12 11 15:45:18 12 15:45:19 13 15:45:35 14 15:45:36 15	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent. Q. If you can turn to Column 7, Lines 50 through 56. A. Okay.
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712 15:42:3013 15:42:3214 15:42:3315 15:42:4316	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions. THE WITNESS: Yeah, I hadn't considered that, so I don't have an answer on that. Q. BY MR. SLONIM: If you can't rely on the drawing Figure 10 for deciding whether there is the same	15:44:56 5 15:45:02 6 15:45:03 8 15:45:06 9 15:45:10 10 15:45:12 11 15:45:18 12 15:45:19 13 15:45:35 14 15:45:36 15 15:45:37 16	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent. Q. If you can turn to Column 7, Lines 50 through 56. A. Okay. Q. And could you read the Lines 50 through 56
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712 15:42:3013 15:42:3214 15:42:3315 15:42:4316 15:42:5017	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions. THE WITNESS: Yeah, I hadn't considered that, so I don't have an answer on that. Q. BY MR. SLONIM: If you can't rely on the drawing Figure 10 for deciding whether there is the same dialectric or different dialectric, how could you even tell	15:44:56 5 15:45:02 6 15:45:03 8 15:45:06 9 15:45:10 10 15:45:12 11 15:45:18 12 15:45:19 13 15:45:35 14 15:45:37 16 15:45:47 17	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent. Q. If you can turn to Column 7, Lines 50 through 56. A. Okay. Q. And could you read the Lines 50 through 56 that begin with "This additional capacitance is shown" into
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15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712 15:42:3013 15:42:3214 15:42:3315 15:42:4316 15:42:5017 15:42:5618 15:43:0419 15:43:0421 15:43:1422 15:43:1723	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions. THE WITNESS: Yeah, I hadn't considered that, so I don't have an answer on that. Q. BY MR. SLONIM: If you can't rely on the drawing Figure 10 for deciding whether there is the same dialectric or different dialectric, how could you even tell whether a conductive plate as shown in 10 or 10 prime or 11 or 11 prime is inside or outside the dialectric body? MR. SCHATZ: Objection, beyond the scope of Dr. Godshalk's Summary of Claim Construction Opinions. Q. BY MR. SLONIM: What in Figure 10A would tell you that?	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:06 9 15:45:10 10 15:45:12 11 15:45:18 12 15:45:19 13 15:45:35 14 15:45:36 15 15:45:37 16 15:45:46 17 15:45:49 18 15:45:50 19 15:45:50 19 15:46:00 21 15:46:07 22 15:46:10 23	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent. Q. If you can turn to Column 7, Lines 50 through 56. A. Okay. Q. And could you read the Lines 50 through 56 that begin with "This additional capacitance is shown" into the record aloud? A. Okay. "This additional capacitance is shown in dotted outline in Figure 10A, reflecting that the fringe capacitance between plates 72 and 74 may be relatively small compared to the other parallel plate capacitances in the remainder of the lower section 62 of the device.
15:41:46 5 15:41:48 6 15:41:48 7 15:42:10 8 15:42:19 9 15:42:2110 15:42:2411 15:42:2712 15:42:3013 15:42:3214 15:42:3315 15:42:4316 15:42:5017 15:42:5618 15:43:0419 15:43:0920 15:43:1021 15:43:1422	different, I don't think that materially affects the patent. Q. So you would say that the dialectrics between 72 and 74 on one hand and 66 and 68 on another hand has nothing to do with this patent? MR. SCHATZ: Objection. And it's beyond the scope of what's in Dr. Godshalk's Summary of Claim Construction Opinions. THE WITNESS: Yeah, I hadn't considered that, so I don't have an answer on that. Q. BY MR. SLONIM: If you can't rely on the drawing Figure 10 for deciding whether there is the same dialectric or different dialectric, how could you even tell whether a conductive plate as shown in 10 or 10 prime or 11 or 11 prime is inside or outside the dialectric body? MR. SCHATZ: Objection, beyond the scope of Dr. Godshalk's Summary of Claim Construction Opinions. Q. BY MR. SLONIM: What in Figure 10A would tel	15:44:56 5 15:45:02 6 15:45:02 7 15:45:03 8 15:45:10 10 15:45:12 11 15:45:12 11 15:45:19 13 15:45:35 14 15:45:37 16 15:45:46 17 15:45:49 18 15:45:50 19 15:45:54 20 15:46:00 21 15:46:07 22	do anything. He just testified he doesn't have an opinion and hasn't prepared an opinion on that issue. Q. BY MR. SLONIM: You may answer. THE WITNESS: That is true, I have not prepared an opinion on this, since I didn't think that this was relevant to the claim construction. I could read the patent and come up with an opinion for you. I think it's described accurately in the patent. Q. If you can turn to Column 7, Lines 50 through 56. A. Okay. Q. And could you read the Lines 50 through 56 that begin with "This additional capacitance is shown" into the record aloud? A. Okay. "This additional capacitance is shown in dotted outline in Figure 10A, reflecting that the fringe capacitance between plates 72 and 74 may be relatively small compared to the other parallel plate capacitances in

48 (Pages 186 to 189)

	Page 190		Page 192
15:46:23 1	Q. So based on that description, would you	15:50:26 1	with Figure 10A in the patent?
15:46:31 2	understand that the frequency, that the fringe-effect	15:50:28 2	MR. SCHATZ: Objection, vague. What do you
15:46:35 3	between plates 72 and 74 is lower than the fringe-effect	15:50:30 3	mean by data?
15:46:42 4	between plates 66 and 68?	15:50:30 4	THE WITNESS: Do you mean dimensional data?
15:47:04 5	MR. SCHATZ: Objection, assumes facts not in	15:50:34 5	Q. BY MR. SLONIM: What data would you need to
15:47:08 6	evidence.	15:50:37 6	define or quantify the high frequency performance of the
15:47:11 7	Q. BY MR. SLONIM: You may answer.	15:50:44 7	capacitor of Figure 10A, you as an expert witness
15:47:13 8	A. Yeah, I don't have, without knowing the	15:50:47 8	A. Okay.
15:47:24 9	thicknesses of the metal, I don't have enough information	15:50:48 9	Q offering claim construction here today to
15:47:2710	to compute it in the dialectric values, so I don't know.	15:50:5210	the Court.
15:47:3211	Q. And this statement that you've just read from	15:50:5211	A. If I were forced to do it, I would want to
15:47:4812	Column 7, Lines 50 through 57, does not inform your expert		build the capacitor as is shown, and then with all the gap
15:47:5313	opinion whether that	15:50:5813	section ripped out, or widened significantly.
15:47:5614	A. Okay, I'll read it here again. All we can	15:51:0414	Q. And so what would be the numerical values? So
15:48:3615	make a decision from that paragraph is that it's smaller	15:51:0915	what data would you be accumulating in order to decide
15:48:3916	than the other parallel plate capacitance, so we can't make	15:51:0915	what data would you be accumulating in order to decide whether the Figure 10A has high frequency performance or
15:48:4217	a judgment on fringe capacitance between what you said, 66		doesn't?
15:48:4217	and 68, there's no information given on that.	15:51:1817	A. I would expect the high frequency performance
15:48:4919	Q. And the Devoes in their patent, in the '356	15:51:2019 15:51:2620	to suffer and be affected. You wouldn't you'd have increased insertion loss at the higher frequencies.
15:48:5120	patent, did not give any dimensions or thicknesses of		
15:48:5621	dialectric materials, particularly for Figure 10A; is that	15:51:3221	Q. Do you see the data about the insertion loss
15:48:5922	right?	15:51:3622	for capacitor Figure 10A in the patent?
15:48:5923	A. I believe that to be correct.	15:51:3923	A. Another fact could be the dropouts.
15:49:0024	Q. And when they say in the last sentence of that	15:51:5024	Without having the data, though, that I
15:49:0925	excerpt, "However, this capacitance may well affect the	15:51:5325	can't give you hard numbers. What they show here to me is
	Page 191		Page 193
15:49:13 1	Page 191 very high frequency performance of the device," do you	15:52:01 1	Page 193 slightly higher, so it would be less loss, smooth one
15:49:13 1 15:49:17 2	_	15:52:01 1 15:52:03 2	
	very high frequency performance of the device," do you		slightly higher, so it would be less loss, smooth one
15:49:17 2	very high frequency performance of the device," do you understand that to be a prediction of the effect?	15:52:03 2	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure
15:49:17 2 15:49:23 3	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation.	15:52:03 2 15:52:05 3	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the
15:49:17 2 15:49:23 3 15:49:26 4	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: What's your expert opinion	15:52:03 2 15:52:05 3 15:52:08 4	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the numbers. We would have to have the Devoes produce this
15:49:17 2 15:49:23 3 15:49:26 4 15:49:28 5	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: What's your expert opinion based on this phrase that the capacitance may well affect	15:52:03 2 15:52:05 3 15:52:08 4 15:52:10 5	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the numbers. We would have to have the Devoes produce this information.
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15:49:17 2 15:49:23 3 15:49:26 4 15:49:28 5 15:49:32 6 15:49:38 7 15:49:40 8	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: What's your expert opinion based on this phrase that the capacitance may well affect without a definite will affect? A. I think it's a reasonable assumption. Q. Is that your understanding?	15:52:03 2 15:52:05 3 15:52:08 4 15:52:10 5 15:52:10 6 15:52:12 7 15:52:13 8	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the numbers. We would have to have the Devoes produce this information. Q. And by this, you were pointing to Figures 21 A. 21A.
15:49:17 2 15:49:23 3 15:49:26 4 15:49:28 5 15:49:32 6 15:49:38 7 15:49:40 8 15:49:41 9	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: What's your expert opinion based on this phrase that the capacitance may well affect without a definite will affect? A. I think it's a reasonable assumption. Q. Is that your understanding? A. Yes.	15:52:03 2 15:52:05 3 15:52:08 4 15:52:10 5 15:52:10 6 15:52:12 7 15:52:13 8 15:52:14 9	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the numbers. We would have to have the Devoes produce this information. Q. And by this, you were pointing to Figures 21 A. 21A. Q. And 21B?
15:49:17 2 15:49:23 3 15:49:26 4 15:49:28 5 15:49:32 6 15:49:38 7 15:49:40 8 15:49:41 9 15:49:4110	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: What's your expert opinion based on this phrase that the capacitance may well affect without a definite will affect? A. I think it's a reasonable assumption. Q. Is that your understanding? A. Yes. Q. So is that a reasonable understanding that the	15:52:03 2 15:52:05 3 15:52:08 4 15:52:10 5 15:52:10 6 15:52:12 7 15:52:13 8 15:52:14 9 15:52:14 10	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the numbers. We would have to have the Devoes produce this information. Q. And by this, you were pointing to Figures 21 A. 21A. Q. And 21B? A. Correct.
15:49:17 2 15:49:23 3 15:49:26 4 15:49:28 5 15:49:32 6 15:49:38 7 15:49:40 8 15:49:41 9 15:49:4110 15:49:4711	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: What's your expert opinion based on this phrase that the capacitance may well affect without a definite will affect? A. I think it's a reasonable assumption. Q. Is that your understanding? A. Yes. Q. So is that a reasonable understanding that the Devoes in the '356 patent, at least for Figure 10A, did,	15:52:03 2 15:52:05 3 15:52:08 4 15:52:10 5 15:52:10 6 15:52:12 7 15:52:13 8 15:52:14 9 15:52:14 10 15:52:1511	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the numbers. We would have to have the Devoes produce this information. Q. And by this, you were pointing to Figures 21 A. 21A. Q. And 21B? A. Correct. Q. And you've characterized that as speculation
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15:49:17 2 15:49:23 3 15:49:26 4 15:49:28 5 15:49:32 6 15:49:40 8 15:49:41 9 15:49:4110 15:49:4711 15:49:5412 15:49:5913 15:50:0515 15:50:0716 15:50:0817 15:50:1018 15:50:1119 15:50:1220 15:50:1422 15:50:1623	very high frequency performance of the device," do you understand that to be a prediction of the effect? MR. SCHATZ: Objection, calls for speculation. Q. BY MR. SLONIM: What's your expert opinion based on this phrase that the capacitance may well affect without a definite will affect? A. I think it's a reasonable assumption. Q. Is that your understanding? A. Yes. Q. So is that a reasonable understanding that the Devoes in the '356 patent, at least for Figure 10A, did, when they drafted this patent, did not know whether or not there would be an effect on high frequency performance of the capacitor built in accordance with the Figure 10A? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I can't answer that. Yeah, I wasn't I don't know what their thought process was at the time. Q. BY MR. SLONIM: Based on the description that we've just read? MR. SCHATZ: Same objection. THE WITNESS: I do not believe there's enough	15:52:03 2 15:52:05 3 15:52:08 4 15:52:10 5 15:52:10 6 15:52:12 7 15:52:13 8 15:52:14 9 15:52:14 10 15:52:1511 15:52:1511 15:52:21812 15:52:2214 15:52:2316 15:52:2316 15:52:2316 15:52:2316 15:52:2319 15:52:2319 15:52:2319 15:52:3319 15:52:33219 15:52:33520 15:52:33721 15:52:3822 15:52:3822	slightly higher, so it would be less loss, smooth one versus here, but they don't have numbers, so it's pure speculation. We would need to get their graphs with the numbers. We would have to have the Devoes produce this information. Q. And by this, you were pointing to Figures 21 A. 21A. Q. And 21B? A. Correct. Q. And you've characterized that as speculation without numbers? MR. SCHATZ: Objection, mischaracterization of the testimony. Q. BY MR. SLONIM: Is that right? A. I can't make a decision because I don't have there's no data on axes, so it would be irresponsible for me to make a pronouncement based on no numbers. They're just lines on a graph. Q. It would not be scientific? A. I agree with that. Q. And would you also agree that nowhere in the

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15:55:2217 between high frequency performance and the very high 15:55:2518 frequency performance? 15:55:2719 MR. SCHATZ: Objection. That's a misquote of 15:55:2920 the specification. 15:59:3720 A. Here it is, reproduced on the cover here; for 15:59:3319 Q. And how is it fused? 15:59:3720 A. Very mean; is it called sintering process, I		Page 194		Page 196
15:53:201 2 MR. SCHATZ: Objection, beyond the scope of 15:53:201 2 MR. SCHATZ: Objection, beyond the scope of 15:53:202 3 15:53:203 4 15:53:203 4 15:53:203 4 15:53:204 5 15:53:204 5 15:53:205 4 15:53:	15:52:55 1	capacitors drawn in Figures from 9A on?	15:56:20 1	Devoes in order to be able to answer my question?
15:53:03 3 15:53:03 4 Q. BY MR. SLONIM: And you can review your expert 15:53:12 6 15:53:12 6 15:53:12 6 15:53:12 6 15:53:20 8 15:53:21 9 Q. And so my understanding of the patent is that 15:53:21 9 15:53:21 9 Q. And so my understanding of the patent is that 15:53:21 19 16:53:22 11 16:53:23 11 16:53:23 11 16:53:23 11 17:53:23 11 17:53:23 12 18:53:23 12 1	15:53:01 2		15:56:22 2	
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15:53:12:6 Spring on the patent, if you need to refresh your recollection about such graphs or data presented. 15:56:43:6 Spring or recollection about such graphs or data presented. 15:56:43:6 Spring or recollection about such graphs or data presented. 15:56:43:6 Spring or recollection about such graphs or data presented. 15:56:43:6 Spring or recollection about such graphs or data presented. 15:56:43:6 Spring or spring or data about any other graphs or data about insertion loss for any of the capacitors. 15:57:2012 Spring or data about any other graphs. 15:57:2013 Spring or data about any other graphs. 15:57:2014 Spring or data. Is that your understanding, also? 15:57:2014 Spring or data. 15:56:40:12 Spring or data. 15:56:40:40 Spring or	15:53:05 4	•	15:56:36 4	
15:55:12 6 The collection about such graphs or data presented. 15:56:47 6 Q. And by the gap	15:53:08 5	· · · · · · · · · · · · · · · · · · ·		
15:53:27 A. I think I see the same data you do, if I read 15:56:48 7 Q. And by the gap 15:53:221 9 15:53:221 9 15:53:221 10 10 10 15:55:53 9 15:55:53 12 10 10 10 15:55:53 10 10 10 15:55:53 10 10 10 10 10 10 10 1				
15:53:20 8 this, so - Q. And so my understanding of the patent is that 15:53:21 10 thort see that data, other than that graph and graphs in 15:55:221 21 And 21B that do not have any numbers on them, 1 don't see any other data about insertion loss for any of the 15:55:33:341 21 And 21B that do not have any other data about insertion loss for any of the 15:57:2013 15:53:3411 21 And 10 Brain that graph and graphs in 21:57:2013 21:57:3215 21:57	15:53:17 7		15:56:48 7	-
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15:54:0921 MR. SCHATZ: Objection, beyond the scope of 15:57:5521 Q. So what is your opinion then about elements 12 15:54:1723 THE WITNESS: You know, we can read the same 15:54:1723 THE WITNESS: You know, we can read the same 15:54:1924 patent, and there is some data in here up to 110 gigahertz. 15:58:07224 Q. And would you agree that the patent does not refer to elements 72 and 74 as contacts? Page 195 Page 195 Page 197 15:54:26				-
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15:54:45 5 is on a curve? 15:54:46 6 A. Mm-hm (affirmative response). 15:54:47 7 Q. There is no curve showing 110 gigahertz in 15:54:50 8 this patent, is there? 15:54:51 9 A. I agree with your assessment of the patent 15:54:551 0 that way, there is not a graph with that on it. 15:55:251 0 Q. And what does it mean in the patent in that 15:55:1213 capacitance may very well effect the very high frequency 15:55:1214 performance," what's the difference 15:55:2217 between high frequency performance and the very high 15:55:2318 frequency performance? 15:55:2320 the specification. 15:55:2320 the specification. 15:55:2320 the specification. 15:55:2320 metal of 12 and 13 essentially fuse with that of 74 and 72, making one conductive structure, which you can call a 15:58:48 6 making one conductive structure, which you can call a 15:58:52 7 contact. That's how it's that's the spirit of it in this patent. 15:58:52 7 contact. That's how it's that's the spirit of it in this patent. 15:58:52 7 Q. Let's, instead of the spirit of the patent, can we talk about claim construction? 15:59:0210 can we talk about claim construction? 15:59:0311 A. Sounds great, let's do that. 15:59:0511 A. Sounds great, let's do that. 15:59:1013 hours. 15:59:1014 A. Well, it seems like okay, never mind. Q. So you're saying the pads, pad 74 is fused to element 12, contact 12? Is that your opinion? Figure 10A? 15:55:2217 between high frequency performance and the very high 15:59:3218 electrical purposes, yes. 15:59:3319 Q. And how is it fused? 15:55:2920 the specification.	15:54:36 3	Q. BY MR. SLONIM: But there is no graph showing	15:58:32 3	Q. That's my understanding.
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15:54:50 8 this patent, is there? 15:54:51 9 A. I agree with your assessment of the patent 15:54:5510 that way, there is not a graph with that on it. 15:54:5811 Q. And what does it mean in the patent in that 15:55:0312 Column 7, Line 56, 55 and 56, where it says, "However, this capacitance may very well effect the very high frequency 15:55:1213 capacitance may very well effect the very high frequency 15:55:1915 MR. SCHATZ: Objection. 15:55:2217 between high frequency performance and the very high frequency 15:55:2218 frequency performance? 15:55:2210 MR. SCHATZ: Objection. That's a misquote of 15:59:3319 15:55:2920 the specification. 15:59:3720 A. Very mean; is it called sintering process, I	15:54:46 6	A. Mm-hm (affirmative response).	15:58:48 6	making one conductive structure, which you can call a
15:54:519 A. I agree with your assessment of the patent 15:54:5510 that way, there is not a graph with that on it. 15:54:5811 Q. And what does it mean in the patent in that 15:55:0312 Column 7, Line 56, 55 and 56, where it says, "However, this capacitance may very well effect the very high frequency 15:55:1213 capacitance," what's the difference 15:55:1915 MR. SCHATZ: Objection. 15:55:2217 between high frequency performance and the very high 15:55:2719 MR. SCHATZ: Objection. That's a misquote of 15:55:2920 the specification. 15:59:3720 Q. Let's, instead of the spirit of the patent, 15:59:0210 can we talk about claim construction? A. Sounds great, let's do that. Q. I thought that's what we were doing for four hours. 15:59:1013 hours. Q. So you're saying the pads, pad 74 is fused to element 12, contact 12? Is that your opinion? Figure 10A? A. Here it is, reproduced on the cover here; for electrical purposes, yes. Q. And how is it fused? A. Very mean; is it called sintering process, I	15:54:47 7	Q. There is no curve showing 110 gigahertz in	15:58:52 7	contact. That's how it's that's the spirit of it in
that way, there is not a graph with that on it. 15:54:5811 Q. And what does it mean in the patent in that 15:55:0312 Column 7, Line 56, 55 and 56, where it says, "However, this capacitance may very well effect the very high frequency 15:55:1213 performance," what's the difference 15:55:2016 Q. BY MR. SCHATZ: Objection. Q. BY MR. SLONIM: in your expert opinion 15:55:2217 between high frequency performance and the very high frequency performance? MR. SCHATZ: Objection. That's a misquote of 15:59:37 20 MR. SCHATZ: Objection. That's a misquote of 15:59:37 20 A. Sounds great, let's do that. Q. I thought that's what we were doing for four hours. A. Well, it seems like okay, never mind. Q. So you're saying the pads, pad 74 is fused to element 12, contact 12? Is that your opinion? Figure 10A? A. Here it is, reproduced on the cover here; for electrical purposes, yes. Q. And how is it fused? A. Very mean; is it called sintering process, I	15:54:50 8	this patent, is there?	15:58:54 8	this patent.
15:54:5811 Q. And what does it mean in the patent in that 15:55:0312 Column 7, Line 56, 55 and 56, where it says, "However, this 15:55:1213 capacitance may very well effect the very high frequency 15:55:1714 performance," what's the difference 15:55:1915 MR. SCHATZ: Objection. 15:55:2016 Q. BY MR. SLONIM: in your expert opinion 15:55:2217 between high frequency performance and the very high 15:55:2518 frequency performance? 15:55:2719 MR. SCHATZ: Objection. That's a misquote of 15:55:2920 the specification. 15:55:2920 Thought that's do that. 15:59:0612 Q. I thought that's what we were doing for four 15:59:1013 hours. 15:59:1014 A. Well, it seems like okay, never mind. 15:59:1615 Q. So you're saying the pads, pad 74 is fused to 15:59:2316 element 12, contact 12? Is that your opinion? Figure 10A? 15:59:3218 A. Here it is, reproduced on the cover here; for 15:59:3319 Q. And how is it fused? 15:59:3720 A. Very mean; is it called sintering process, I	15:54:51 9	A. I agree with your assessment of the patent	15:58:55 9	Q. Let's, instead of the spirit of the patent,
Column 7, Line 56, 55 and 56, where it says, "However, this 15:55:1213 capacitance may very well effect the very high frequency performance," what's the difference 15:55:1915 MR. SCHATZ: Objection. 15:55:2217 between high frequency performance and the very high 15:55:2518 frequency performance? 15:55:2719 MR. SCHATZ: Objection. That's a misquote of 15:55:2920 the specification. 15:55:3720 Q. I thought that's what we were doing for four hours. 15:59:10:13 A. Well, it seems like okay, never mind. 15:59:10:14 A. Well, it seems like okay, never mind. 15:59:23:16 Q. So you're saying the pads, pad 74 is fused to element 12, contact 12? Is that your opinion? Figure 10A? 15:59:23:18 A. Here it is, reproduced on the cover here; for electrical purposes, yes. 15:59:33:19 Q. And how is it fused? 15:59:37:20 A. Very mean; is it called sintering process, I	15:54:5510	that way, there is not a graph with that on it.	15:59:0210	can we talk about claim construction?
15:55:1213 capacitance may very well effect the very high frequency 15:55:1714 performance," what's the difference 15:55:1915 MR. SCHATZ: Objection. 15:55:2016 Q. BY MR. SLONIM: in your expert opinion 15:55:2217 between high frequency performance and the very high 15:55:2518 frequency performance? 15:55:2719 MR. SCHATZ: Objection. That's a misquote of 15:55:2920 the specification. 15:59:1014 A. Well, it seems like okay, never mind. 15:59:1014 Q. So you're saying the pads, pad 74 is fused to 15:59:2316 element 12, contact 12? Is that your opinion? Figure 10A? 15:59:2817 A. Here it is, reproduced on the cover here; for electrical purposes, yes. 15:59:3319 Q. And how is it fused? 15:59:3720 A. Very mean; is it called sintering process, I	15:54:5811	Q. And what does it mean in the patent in that	15:59:0511	A. Sounds great, let's do that.
15:55:1714 performance," what's the difference 15:55:1915 MR. SCHATZ: Objection. 15:55:2016 Q. BY MR. SLONIM: in your expert opinion 15:55:2217 between high frequency performance and the very high 15:55:2518 frequency performance? 15:55:2719 MR. SCHATZ: Objection. That's a misquote of 15:55:2920 the specification. 15:59:1014 A. Well, it seems like okay, never mind. 15:59:1615 Q. So you're saying the pads, pad 74 is fused to 15:59:2316 element 12, contact 12? Is that your opinion? Figure 10A? 15:59:3218 A. Here it is, reproduced on the cover here; for electrical purposes, yes. 15:59:3319 Q. And how is it fused? 15:59:3720 A. Very mean; is it called sintering process, I	15:55:0312	Column 7, Line 56, 55 and 56, where it says, "However, this	15:59:0612	Q. I thought that's what we were doing for four
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15:55:2920 the specification. 15:59:3720 A. Very mean; is it called sintering process, I	15:55:2518	frequency performance?	15:59:3218	electrical purposes, yes.
	15:55:2719	MR. SCHATZ: Objection. That's a misquote of	15:59:3319	Q. And how is it fused?
15.55.3021 O RV MR SI ONIM: If any?	15:55:2920	the specification.	15:59:3720	A. Very mean; is it called sintering process, I
15.55.5021 Q. DI MIN. SECTION. II any: 15.55:4521 Deficite. This follower. This is dutiside of thy area of	15:55:3021	Q. BY MR. SLONIM: If any?	15:59:4321	believe. I'm not sure. That's outside of my area of
15:55:3222 A. Let's see. Since he doesn't contrast it with 15:59:4722 expertise.	15:55:3222	A. Let's see. Since he doesn't contrast it with	15:59:4722	expertise.
15:56:0423 other frequencies, I don't think I can answer your 15:59:4723 Q. And would you say how would you describe	15:56:0423	other frequencies, I don't think I can answer your	15:59:4723	Q. And would you say how would you describe
15:56:0824 question. 15:59:5224 this fusing between pad 72 and contact 13? Is that also	15:56:0824	question.	15:59:5224	this fusing between pad 72 and contact 13? Is that also
15:56:0825 Q. What contrasting would you need from the 15:59:5925 outside of your area?	15:56:0825	Q. What contrasting would you need from the	15:59:5925	outside of your area?

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	Page 198		Page 200
16:00:00 1	A. 72 and 13.	16:03:16 1	contacts means being at the same voltage?
16:00:01 2	Q. 72 and 13 would be also outside of your area	16:03:19 2	A. The difference is that 72 or 13 could be
16:00:04 3	of expertise?	16:03:25 3	connected by a user. May not be advised to connect to 72,
16:00:04 4	A. I don't know the chemistry behind it. That's	16:03:29 4	but he could get at it. They could not get at 11; it is
16:00:08 5	what I meant when I said it's outside my area of expertise.		sheltered inside the device, so it cannot be a contact.
16:00:10 6	I can't give you the exact chemical process that it goes	16:03:36 6	Q. And by connecting by the user, do you mean
16:00:13 7	through. But in my opinion, they form one conductive	16:03:46 7	connected to a printed circuit board?
16:00:21 8	structure, 72 and 13, but electrically they are the same.	16:03:51 8	A. That would be one example.
16:00:32 9	Q. Do you expect what does it mean to be	16:03:54 9	Q. Or let's say more general, an external
16:00:3610	electrically the same, in your expert opinion?	16:03:5710	conductor?
16:00:3911	A. If you apply a signal on contact 13 or that	16:03:5711	A. Yes. You could connect the two together.
16:00:4512	conductive material, that it will also appear on 72, that	16:04:0312	Q. And that connection you would expect typically
16:00:5213	exterior plate.	16:04:0613	to be by soldering?
16:00:5214	Q. And by signal, do you mean voltage?	16:04:0814	A. Solder or solder paste, some conductive
16:00:5515	A. Could be a sinusoidal voltage.	16:04:1315	material.
16:00:5816	Q. And so you would expect contact 13 and plate	16:04:1316	Q. But you said that it is not recommended that
16:01:0717	72 to have the same voltage, the same charge?	16:04:1917	the pads 72 and 74 be so connected; is that right?
16:01:0918	A. Not necessarily a direct current, but at ACRF	16:04:2318	A. I don't know.
16:01:1619	frequencies.	16:04:2619	Q. In your expert opinion, why would it not be
16:01:2120	Q. So there are special cases of being	16:04:3020	recommended?
16:01:2321	electrically similar? Is that what you're trying to tell	16:04:3020	A. In my expert opinion
16:01:2722	me, there are differences between types of currents?	16:04:3322	Q. Yes.
16:01:2923	A. Yes.	16:04:3423	A you'd want to maintain the integrity around
16:01:3224	Q. Could you explain that?	16:04:3423	the gap would be my expert opinion.
16:01:3325	A. Say you put a small film, you could have	16:04:3925	If you shove solder in there, it's not going
10.01.3323	A. Say you put a sman mm, you could have	10.04.3523	If you shove solder in there, it's not going
	Dama 100		Dama 201
	Page 199		Page 201
16:01:34 1	potentially a small film between 72 and 13, but it could be	16:04:41 1	to work very well.
16:01:38 2	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent.	16:04:42 2	to work very well. Q. And by gap, you mean gap between 72 and 74?
16:01:38 2 16:01:46 3	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the	16:04:42 2 16:04:46 3	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do.
16:01:38 2 16:01:46 3 16:01:49 4	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13?	16:04:42 2 16:04:46 3 16:04:47 4	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that
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16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean?	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:57 7 16:05:00 8	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator?	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:57 7 16:05:00 8 16:05:05 9	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:1410	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct.	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:50 6 16:04:57 7 16:05:00 8 16:05:05 9 16:05:0910	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap?
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:14 10 16:02:14 11	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:50 6 16:04:57 7 16:05:00 8 16:05:05 9 16:05:0910	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:14 10 16:02:14 11 16:02:16 12	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:50 6 16:04:57 7 16:05:00 8 16:05:05 9 16:05:0910 16:05:1011 16:05:1212	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:1410 16:02:1411 16:02:1612 16:02:2313	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and 72, it should be the same.	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:57 7 16:05:00 8 16:05:05 9 16:05:011 16:05:1011 16:05:1212 16:05:1613	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be connected together through that.
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:14 10 16:02:14 11 16:02:16 12 16:02:23 13 16:02:28 14	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and 72, it should be the same. Q. And would it be also true that if you applied	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:57 7 16:05:00 8 16:05:05 9 16:05:0910 16:05:1011 16:05:1212 16:05:1613 16:05:2414	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be connected together through that. Q. Would you expect that if the gap between 12
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:14 10 16:02:14 11 16:02:16 12 16:02:23 13 16:02:28 14 16:02:30 15	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and 72, it should be the same. Q. And would it be also true that if you applied the same voltage to 13, you would expect to see the same	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:57 7 16:05:00 8 16:05:05 9 16:05:0910 16:05:1011 16:05:1212 16:05:1613 16:05:2414 16:05:2815	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be connected together through that. Q. Would you expect that if the gap between 12 and 13 on the bottom is also filled with solder, that the
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16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:14 10 16:02:14 11 16:02:16 12 16:02:23 13 16:02:28 14 16:02:30 15 16:02:33 16 16:02:46 19 16:02:46 19 16:02:46 20	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and 72, it should be the same. Q. And would it be also true that if you applied the same voltage to 13, you would expect to see the same voltage not only on 72, but also on plates 11 and 11 prime? A. Assuming there's no conductive film or anything Q. Correct. A. Then, yes.	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:50 6 16:04:57 7 16:05:00 8 16:05:05 9 16:05:1011 16:05:1212 16:05:1613 16:05:2414 16:05:2815 16:05:3316 16:05:3316 16:05:3818 16:05:4319 16:05:5020	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be connected together through that. Q. Would you expect that if the gap between 12 and 13 on the bottom is also filled with solder, that the capacitor would also short? A. Can you please show me here? Q. The orange gap between 12, at 12 and 13, is filled with solder, but the gap between 72 and 74 is not, would that also be, would short the capacitor, since
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:1411 16:02:1612 16:02:2313 16:02:2814 16:02:3315 16:02:3316 16:02:4618 16:02:4619 16:02:4620 16:02:4721	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and 72, it should be the same. Q. And would it be also true that if you applied the same voltage to 13, you would expect to see the same voltage not only on 72, but also on plates 11 and 11 prime? A. Assuming there's no conductive film or anything Q. Correct. A. Then, yes. Q. And so under that definition would plates 11	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:50 6 16:05:00 8 16:05:05 9 16:05:011 16:05:1011 16:05:1212 16:05:1613 16:05:2414 16:05:2815 16:05:3316 16:05:3316 16:05:3317 16:05:3818 16:05:4319 16:05:5020 16:05:5020	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be connected together through that. Q. Would you expect that if the gap between 12 and 13 on the bottom is also filled with solder, that the capacitor would also short? A. Can you please show me here? Q. The orange gap between 12, at 12 and 13, is filled with solder, but the gap between 72 and 74 is not, would that also be, would short the capacitor, since A. If you completely had solder where I drew my
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16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:14 10 16:02:14 11 16:02:16 12 16:02:23 13 16:02:28 14 16:02:30 15 16:02:31 16 16:02:46 18 16:02:46 19 16:02:46 20 16:02:47 21 16:02:56 23	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and 72, it should be the same. Q. And would it be also true that if you applied the same voltage to 13, you would expect to see the same voltage not only on 72, but also on plates 11 and 11 prime? A. Assuming there's no conductive film or anything Q. Correct. A. Then, yes. Q. And so under that definition would plates 11 and 11 prime also be contacts as you have defined them? A. No, because they're interior to the device.	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:50 6 16:04:57 7 16:05:00 8 16:05:05 9 16:05:0910 16:05:1011 16:05:1212 16:05:1613 16:05:2414 16:05:2815 16:05:3316 16:05:3316 16:05:3818 16:05:4319 16:05:5020 16:05:5621 16:05:5922	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be connected together through that. Q. Would you expect that if the gap between 12 and 13 on the bottom is also filled with solder, that the capacitor would also short? A. Can you please show me here? Q. The orange gap between 12, at 12 and 13, is filled with solder, but the gap between 72 and 74 is not, would that also be, would short the capacitor, since A. If you completely had solder where I drew my orange line, it would short it out, if that was completely soldered; you can have if that would allow the solder to
16:01:38 2 16:01:46 3 16:01:49 4 16:01:55 5 16:01:56 6 16:02:01 7 16:02:06 8 16:02:11 9 16:02:14 10 16:02:14 11 16:02:16 12 16:02:23 13 16:02:28 14 16:02:30 15 16:02:31 16 16:02:46 18 16:02:46 19 16:02:46 20 16:02:47 21 16:02:51 22	potentially a small film between 72 and 13, but it could be so small that at microwave frequencies it's transparent. Q. What is your understanding from reading the patent? Is there such a separator between 72 and 13? A. Not to my knowledge. Q. So with that understanding, that there is no separator, when you say they are electrically similar, you said? What does that electrical similarity mean? A. If there was no separator? Q. Correct. A. Then if you apply voltage at 13, whether it's DC, direct current, or AC, it should appear both on 13 and 72, it should be the same. Q. And would it be also true that if you applied the same voltage to 13, you would expect to see the same voltage not only on 72, but also on plates 11 and 11 prime? A. Assuming there's no conductive film or anything Q. Correct. A. Then, yes. Q. And so under that definition would plates 11 and 11 prime also be contacts as you have defined them?	16:04:42 2 16:04:46 3 16:04:47 4 16:04:50 5 16:04:50 6 16:04:57 7 16:05:00 8 16:05:05 9 16:05:011 16:05:1011 16:05:1212 16:05:1613 16:05:2414 16:05:2815 16:05:3316 16:05:3316 16:05:3818 16:05:3818 16:05:4319 16:05:5020 16:05:5021	to work very well. Q. And by gap, you mean gap between 72 and 74? A. I do. Q. And what is the importance of maintaining that gap? A. To maintain the fringing capacitance value that gives the desired high frequency performance. Q. And so if you filled that gap with solder, you would expect that there will be no fringe effect in that gap? A. Actually, the whole capacitor would be shorted out, it wouldn't work anymore, because 12 and 13 would be connected together through that. Q. Would you expect that if the gap between 12 and 13 on the bottom is also filled with solder, that the capacitor would also short? A. Can you please show me here? Q. The orange gap between 12, at 12 and 13, is filled with solder, but the gap between 72 and 74 is not, would that also be, would short the capacitor, since A. If you completely had solder where I drew my orange line, it would short it out, if that was completely

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16:06:14 1 But that's about as far as I can go without 16:06:14 1 right? 16:06:16 2 speculating on its performance, and giving you hard 16:06:21 3 numbers. 16:06:21 4 Q. And so in your understanding of what the word 16:06:35 5 "contact" in Claim 1 means, would you say that it has two, 16:10:08 5 that the plate could be called	
16:06:16 2 speculating on its performance, and giving you hard 16:06:21 3 numbers. 16:06:21 4 Q. And so in your understanding of what the word 16:06:35 5 "contact" in Claim 1 means, would you say that it has two, 16:10:08 5 that are 16:09:45 2 A. The pieces that are 16:09:45 2 conductor are called a contact 16:10:03 4 call the plates contact. Is that 16:06:35 5 that the plate could be called	
16:06:21 3 numbers. 16:09:57 3 conductor are called a contact life in the plates contact. Is that 16:06:35 5 "contact" in Claim 1 means, would you say that it has two, 16:10:08 5 that the plate could be called	
16:06:21 4 Q. And so in your understanding of what the word 16:10:03 4 call the plates contact. Is tha 16:06:35 5 "contact" in Claim 1 means, would you say that it has two, 16:10:08 5 that the plate could be called	ct. Okay. Well, I wouldli t
16:06:35 5 "contact" in Claim 1 means, would you say that it has two, 16:10:08 5 that the plate could be called	•
16:06:46 6 at least two functions, one being disposed on the external 16:10:10 6 Q. I'm trying to unders	
	the context of Claim 1? And I
16:07:02 8 with that? 16:10:21 8 think we have	
16:07:02 9 A. That is one of the claims, yes, I would agree 16:10:23 9 A. Okay. Yeah, I wou	ıld say the conductive
	rnal surfaces of the capacitor,
16:07:0611 Q. And then another function would be to be at 16:10:3711 that would be the contact.	•
16:07:1512 least in electrical contact with an internal plate, such as 16:10:3712 Q. And so under that u	anderstanding that the
16:07:1813 depicted in the Figure 10A or the front Figure 11, 11 prime 16:10:4613 contact as disposed externall	
16:07:2514 or 10, 10 prime? 16:10:5414 having at least an electrical c	
16:07:2615 MR. SCHATZ: Objection. 16:10:5915 plate, and also being the piece	
16:07:2716 Q. BY MR. SLONIM: Is that a fair 16:11:0616 soldered to an external condu	
16:07:2717 characterization of what a contact is supposed to do? 16:11:1517 could be called a contact wit	-
16:07:3018 MR. SCHATZ: Objection, vague. 16:11:2118 patent; is that right?	
16:07:3119 Are you asking for what his proposed 16:11:2219 MR. SCHATZ: Obj	ection, it's a
	Dr. Godshalk just testified to.
16:07:3921 Q. BY MR. SLONIM: Do you understand my question? 16:11:3221 Q. BY MR. SLONIM:	ů
	e to restate what I believe
16:07:4923 the claim construction the way it's written. That's how I 16:11:4923 the contact is? I just want to	
16:07:5224 hear the question, because what you just said is, in 16:11:5224 Q. I'm trying to unders	
16:07:5425 essence, what the claim says, and that is 16:11:5725 contact is, and my understan	
Page 203	Page 205
16:07:59 1 Q. So you agree with it? 16:12:05 1 that the contact serves three	e functions, or has three
16:08:02 2 MR. SCHATZ: Objection, mischaracterization. 16:12:10 2 characteristics.	, , , , , , , , , , , , , , , , , , , ,
Q. BY MR. SLONIM: Is the answer 16:12:10 3 A. And what are thos	se three?
	k you've agreed with, it's
	lialectric body externally on a
16:08:10 6 find ah, here we go. I think, please, help me here. 16:12:24 6 surface, on an external surface.	-
16:08:13 7 Are you referring to a conductive first 16:12:31 7 A. Okay. What was	=
16:08:15 8 contact disposed externally on the dialectric body and 16:12:34 8 Q. Can we agree on a	
16:08:19 9 electrically connected to the first plate. That's what it 16:12:36 9 A. I don't know short	thand, so all right.
	would be that at least being
16:08:2411 Q. Correct. 16:12:4611 an electrical connection, ha	iving an electrical connection
16:08:2512 A. Okay. And I do agree with that statement. 16:12:5012 to an internal plate of the di	
16:08:2913 Q. That one of the functions of the contact is to 16:12:5413 disposed within the dialectr	ric body?
16:08:3414 be electrically connected to the plate inside the 16:12:5614 A. Okay. Electrical of	connection to an interior
16:08:3815 dialectric body? 16:12:5915 plate; is that what you said?	
16:08:4016 A. Yes, because the first plate is defined as 16:13:0016 Q. Interior conductor	plate.
	. Okay. What's the next
16:08:5618 Q. So the answer's yes? 16:13:0518 one?	
·	is being the piece or the
	external conductor such as a
16:09:0421 of a contact as claimed in Claim 1 is also a piece that 16:13:2121 printed circuit board as an e	
	ive response). Okay. So you
	th that definition, those three,
	etor, or those three functions,
16:09:3825 external conductor would be called a contact; is that 16:13:3725 those are three functions of	a conductor?

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	Page 206		Page 208
16:13:39 1	Q. Of the contact?	16:18:53 1	A. Yeah. It's not an insulator.
16:13:39 2	A. Sorry, contact. Okay.	16:18:54 2	Q. What other characteristics would a conductive
16:13:41 3	Q. Right. Now that you've written them down, I	16:19:02 3	material have, in your opinion, as you've offered your
16:13:43 4	think we don't have a	16:19:05 4	construction?
16:13:45 5	A. Understood.	16:19:05 5	A. Oh, in well, as I formed my construction, I
16:13:46 6	MR. SCHATZ: I'm going to object to the extent	16:19:28 6	didn't say anything else about it.
16:13:48 7	if you're trying to characterize Dr. Godshalk's earlier	16:19:31 7	Q. Correct. And that's why I'm asking you
16:13:52 8	testimony, because that is not consistent with what he	16:19:34 8	questions.
16:13:54 9	testified to, nor is it consistent with his summary of his	16:19:36 9	A. Okay.
16:14:0110	opinions.	16:19:3610	Q. And I would like to tell you that Mr. Schatz
16:14:0111	THE WITNESS: Yeah. And what I'm going to do	16:19:4211	and Mr. Ahrens have represented to the Court that at a
16:14:0212	is look at what I wrote here in my claim construction	16:19:4612	deposition you would be in a position to offer many, and I
16:14:0713	first.	16:19:5413	think the word was excruciating, level of detail about the
16:14:0714	Q. BY MR. SLONIM: Before you do that, before	16:19:5914	summary of your opinions.
16:14:1015	refreshing yourself	16:20:0015	A. Okay.
16:14:1116	A. Okay.	16:20:0016	Q. And that's the reason I'm following on the
16:14:1217	Q would you be able to answer my question	16:20:0417	representation that these two people, these two lawyers,
16:14:1418	now, whether a contact has to have those three functions or	16:20:0718	have made to the Court that you are now at this deposition
16:14:1919	not, as an expert sitting here today, about the patent that	16:20:1119	in a position to fill in the gaps in your summary with
16:14:2720	you've read many times?	16:20:1720	detail, and that's why I'm asking
16:14:4021	MR. SCHATZ: I'm going to object.	16:20:1921	A. Okay.
16:14:4222	Dr. Godshalk has indicated he needs to refer	16:20:2022	Q to understand what you meant by a
16:14:4623	to his report to answer that.	16:20:2323	conductive material when you used that term in your
16:14:4724	THE WITNESS: It will only take a second here.	16:20:2824	construction of an element of Claim 1 of the '356 patent?
16:15:0425	Q. BY MR. SLONIM: Okay.	16:20:3325	MR. SCHATZ: Objection. That's a
	Page 207		Page 209
16:16:25 1	A. I agree that let's see. Our contact is	16:20:34 1	mischaracterization of things that have been stated to the
16:16:39 2	arranged on the external service of the capacitor. It is	16:20:37 2	Court, and it's argumentative and it's improper, basically,
16:16:44 3	in electrical contact, makes an electrical connection, and	16:20:41 3	to try to intimidate a witness in the way that you just
16:16:50 4	then the interior conductor. It's funny, in our claims we	16:20:45 4	did.
16:16:57 5	don't talk about that it has to be attachable to a	16:20:46 5	MR. SLONIM: And I would have to say to
16:17:00 6	conductor on a printed circuit board.	16:20:49 6	Mr. Schatz that we would present that piece of your
16:17:07 7	Q. So what's your conclusion on the third	16:20:54 7	statements on the record to the Court and ask the Court to
16:17:10 8	requirement? Does it have to be there, or not, to define a	16:20:57 8	make a judgment whether you have misrepresented to the
16:17:17 9	contact in Claim 1 of the '356 patent?	16:21:00 9	Court about the state of knowledge and opinions that, and
16:17:2210	A. If you treat it as a conductive structure, one	16:21:0710	details that Dr. Godshalk shock would be able to provide at
16:17:4411	portion of it would, you'd need to attach it to an external	16:21:0911	this deposition.
16:17:4812	conductor to make it a useful device.	16:21:1112	MR. SCHATZ: Feel free to do that.
16:17:5413	Q. So at least a portion of that contact has to	16:21:1713	MR. SLONIM: We absolutely will.
16:18:0014	be attachable, or intended to be attached?	16:21:1814	THE WITNESS: So, your
16:18:0815	A. Yes.	16:21:2115	Q. BY MR. SLONIM: Do you remember the question,
16:18:0816	Q. And that's all I mean by attachable, to an	16:21:2416	aside from the colloquy?
16:18:1217	external conductor?	16:21:2517	A. Sorry, could you please rephrase it?
16:18:1418	A. I would agree with that.	16:21:2718	Q. No problem.
16:18:1519	Q. And when you say that a contact means a	16:21:2819	What do you mean by a conductive material when
16:18:2520	conductive material, is that what you're saying your clain		you said a contact that we now understand has to have the
16:18:3121	construction	16:21:3721	three functions?
16:18:3122	A. Yes, conductive material.	16:21:3922	A. There's actually other there's more than
16:18:3323	Q. What does that mean?	16:21:4123	three functions. These are three of its functions.
16:18:3724	A. Okay. It's not a dialectric.	16:21:4324	Q. At least those three functions. Is that a
16:18:5125	Q. We've narrowed our choices.	16:21:4825	fair

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	Page 210		Page 212
16:21:49 1	A. Well, I would like to, for the record, I'd	16:25:12 1	Q. BY MR. SLONIM: What are the steps of your
16:21:49 1	like to state there are three these are three functions,	16:25:12 1	calculations? Could you describe them?
16:21:54 3	but there are more functions implied in my claim	16:25:16 3	A. Well, I'd have to work with the Devoes and get
16:21:58 4	construction.	16:25:19 4	all their dimensions and understand the other interior
16:21:58 5	Q. What are those additional functions?	16:25:22 5	capacitors, because they all work together.
16:22:00 6	A. One is that this conductive material can be	16:25:24 6	Q. And so if I told you that the Devoes are not
16:22:03 7	used to form the fringe-effect capacitor.	16:25:27 7	available, would you be able to do those calculations
16:22:26 8	Q. If I chose gold to serve as contact, would you	16:25:33 8	MR. SCHATZ: Objection, calls for speculation.
16:22:36 9	say that gold would form the fringe-effect capacitance?	16:25:34 9	Q. BY MR. SLONIM: if you cannot talk to the
16:22:3910	A. If it was thick enough it should be able to.	16:25:3710	Devoes for one reason or another?
16:22:4311	Q. How thick is thick enough?	16:25:3911	MR. SCHATZ: Objection, calls for speculation
16:22:4612	A. In general, it will always form fringe	16:25:4112	and beyond the scope of Dr. Godshalk's opinions on the
16:22:4012	capacitance, but to form it as defined in our claim	16:25:4112	claim construction.
16:22:5714	construction, to make it able to affect the high frequency	16:25:4814	THE WITNESS: It would be within my ability to
16:22:5915	performance, it would need to be thick enough to make ar		do a representative calculation.
16:22:3915	appreciable amount of fringe capacitance; if it's too thin,	16:25:5816	Q. BY MR. SLONIM: And by a representative
16:23:0418	then it falls into the general category, and it doesn't	16:25:3816	calculation, what do you mean?
16:23:1018	affect the high frequency performance.	16:26:0118	A. It may not be exactly the same as any
16:23:1519	Q. And what's the appreciable amount, as you've	16:26:0419	capacitor they make, but you could show principle of
16:23:1720	just characterized it, of the high frequency?	16:26:1120	operation of the '356 capacitor.
16:23:2121	A. It has to do with the ratio of the gap with,	16:26:1321	Q. What I'm trying to understand is if I were to
16:23:2422	to the thickness of the metal. If you have very thin	16:26:2222	select gold, for example, as a potential material for a
16:23:2723	metal, you'd have to bring it very close together,	16:26:2623	contact, in your claim construction of the term contact,
16:23:2924	essentially, it's maintained in the constant ratio of	16:26:3424	would it meet the four functions that you, we have, that
16:23:3125	height to gap.	16:26:3925	you have described?
10.23.3123		10.20.3323	·
	Page 211		Page 213
16:23:32 1	Q. And what is that ratio supposed to be in order	16:26:40 1	A. Gold is one candidate. I'm sorry, I talked
16:23:35 2	to have an appreciable effect on high frequency	16:26:42 2	over you.
16:23:39 3	performance? Is it one, two, three, five?	16:26:44 3	Gold would be a viable conductive material.
16:23:42 4	What's the value of that ratio?	16:26:48 4	Q. And what in the name of gold or properties of
16:23:44 5	A. Hm, that is variable. That is how you set the	16:26:58 5	gold that you know tells you that gold would be available
16:23:49 6	value of the capacitance, is that ratio.	16:27:04 6	to have the fringe-effect capacitance that affects high frequency performance that you said is a requirement for
16:23:54 7	Q. And so what is the ratio?	16:27:08 7	trequency performance that you said is a requirement for
		1 6 0 7 1 4 0	
16:23:56 8	A. Depends on where you want the fringe	16:27:14 8	the contact?
16:24:00 9	capacitance to become effective.	16:27:15 9	the contact? A. It has very little to do with it being gold,
16:24:00 9 16:24:0210	capacitance to become effective. Q. So let's say for a capacitor of the 0603	16:27:15 9 16:27:1910	the contact? A. It has very little to do with it being gold, actually. Gold can work.
16:24:00 9 16:24:0210 16:24:0611	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio?	16:27:15 9 16:27:1910 16:27:2011	the contact? A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a
16:24:00 9 16:24:0210 16:24:0611 16:24:0912	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation.	16:27:15 9 16:27:1910 16:27:2011 16:27:2412	the contact? A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the
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16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:1614 16:24:2015	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads?	16:27:15 9 16:27:1910 16:27:2011 16:27:2412 16:27:3113 16:27:3714 16:27:4215	the contact? A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process?
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16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:1614 16:24:2015 16:24:2716 16:24:3517 16:24:3718	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads? A. I would have to do some calculations for you that I don't think I have time to do here today. Q. How long would it take you to do those	16:27:15 9 16:27:1910 16:27:2011 16:27:3113 16:27:3714 16:27:4215 16:27:4516 16:27:5518	the contact? A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process? A. There's competing restraints, of course, you need to make something that is manufacturable and attachable to a circuit board. I mean, low resistance
16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:1614 16:24:2015 16:24:2716 16:24:3517 16:24:3718 16:24:3819	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads? A. I would have to do some calculations for you that I don't think I have time to do here today. Q. How long would it take you to do those calculations?	16:27:15 9 16:27:1910 16:27:2011 16:27:2412 16:27:3113 16:27:3714 16:27:4215 16:27:4516 16:27:5518 16:27:5518	the contact? A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process? A. There's competing restraints, of course, you need to make something that is manufacturable and attachable to a circuit board. I mean, low resistance metals is always desirable, and gold has a low resistance.
16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:1614 16:24:2015 16:24:2716 16:24:3517 16:24:3718 16:24:3819 16:24:3920	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads? A. I would have to do some calculations for you that I don't think I have time to do here today. Q. How long would it take you to do those calculations? A. I don't know. A day.	16:27:15 9 16:27:1910 16:27:2011 16:27:2412 16:27:3113 16:27:4215 16:27:4516 16:27:55117 16:27:5518 16:27:5819 16:28:1020	the contact? A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process? A. There's competing restraints, of course, you need to make something that is manufacturable and attachable to a circuit board. I mean, low resistance metals is always desirable, and gold has a low resistance. There's obviously constraints that may not allow you to use
16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:2015 16:24:2716 16:24:3517 16:24:3718 16:24:3819 16:24:3920 16:24:4321	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads? A. I would have to do some calculations for you that I don't think I have time to do here today. Q. How long would it take you to do those calculations? A. I don't know. A day. Q. And by day, you mean eight-hour working day?	16:27:15 9 16:27:1910 16:27:2011 16:27:2412 16:27:3113 16:27:4215 16:27:4516 16:27:55117 16:27:5518 16:27:5819 16:28:1020 16:28:1321	the contact? A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process? A. There's competing restraints, of course, you need to make something that is manufacturable and attachable to a circuit board. I mean, low resistance metals is always desirable, and gold has a low resistance. There's obviously constraints that may not allow you to use gold, though.
16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:1614 16:24:2015 16:24:2716 16:24:3517 16:24:3819 16:24:3820 16:24:4321 16:24:5222	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads? A. I would have to do some calculations for you that I don't think I have time to do here today. Q. How long would it take you to do those calculations? A. I don't know. A day. Q. And by day, you mean eight-hour working day? A. Yeah. Get you some good numbers there.	16:27:15 9 16:27:1910 16:27:2011 16:27:2412 16:27:3113 16:27:4215 16:27:4516 16:27:5518 16:27:5518 16:27:5819 16:28:1321 16:28:1321	A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process? A. There's competing restraints, of course, you need to make something that is manufacturable and attachable to a circuit board. I mean, low resistance metals is always desirable, and gold has a low resistance. There's obviously constraints that may not allow you to use gold, though. Q. What are those constraints?
16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:1614 16:24:2015 16:24:2716 16:24:3517 16:24:3718 16:24:3819 16:24:3920 16:24:4321 16:24:5222 16:25:0023	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads? A. I would have to do some calculations for you that I don't think I have time to do here today. Q. How long would it take you to do those calculations? A. I don't know. A day. Q. And by day, you mean eight-hour working day? A. Yeah. Get you some good numbers there. Q. I see. And what would be the equations or	16:27:15 9 16:27:1910 16:27:2011 16:27:2412 16:27:3113 16:27:3714 16:27:4516 16:27:4516 16:27:5518 16:27:5518 16:27:5819 16:28:1020 16:28:1321 16:28:1322	A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process? A. There's competing restraints, of course, you need to make something that is manufacturable and attachable to a circuit board. I mean, low resistance metals is always desirable, and gold has a low resistance. There's obviously constraints that may not allow you to use gold, though. Q. What are those constraints? A. Cost, cost prohibitive.
16:24:00 9 16:24:0210 16:24:0611 16:24:0912 16:24:1113 16:24:1614 16:24:2015 16:24:3517 16:24:3718 16:24:3819 16:24:3920 16:24:4321 16:24:5222	capacitance to become effective. Q. So let's say for a capacitor of the 0603 casing, what is that ratio? MR. SCHATZ: Objection, calls for speculation. THE WITNESS: I would need to know the capacitance value, the low frequency capacitance value. Q. BY MR. SLONIM: A hundred nanofarads? A. I would have to do some calculations for you that I don't think I have time to do here today. Q. How long would it take you to do those calculations? A. I don't know. A day. Q. And by day, you mean eight-hour working day? A. Yeah. Get you some good numbers there.	16:27:15 9 16:27:1910 16:27:2011 16:27:2412 16:27:3113 16:27:3714 16:27:4516 16:27:4516 16:27:5518 16:27:5518 16:27:5819 16:28:1020 16:28:1321 16:28:1322	A. It has very little to do with it being gold, actually. Gold can work. Q. So when you're selecting a material to be a contact, would it be a fair statement to say that the effect on high frequency performance does not matter when you're selecting a particular material? Is that a fair characterization, in the selection process? A. There's competing restraints, of course, you need to make something that is manufacturable and attachable to a circuit board. I mean, low resistance metals is always desirable, and gold has a low resistance. There's obviously constraints that may not allow you to use gold, though. Q. What are those constraints?

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	Page 214		Page 216
16:28:25 1	capacitor designer, so I will speculate if I say something,	16:32:18 1	or not. They both are important. And frequency, so
16:28:28 2	so, for the record, you know, my understanding, I'm not ar		there's three things you need to know, and surface
16:28:36 3	expert on the sintering process and the attachment of the	16:32:19 2	roughness is another one that comes into play at these high
16:28:39 4	metals to the sides, so I can't give you a safe answer gold		
		16:32:25 4	frequencies, so it's just four ingredients at least I've
16:28:42 5	would attach to the interior plates. There might be issues	16:32:28 5	listed there, possibly more.
16:28:46 6	there, and that is beyond my expertise, I'm not a	16:32:30 6	The real high frequencies, if the lines get
16:28:49 7	metallurgist, so, that's the limit of my because we're	16:32:34 7	too narrow, you actually have radiation problems, too, so,
16:28:55 8	getting into construction aspects of it, and that I am not	16:32:38 8	that's a fifth one.
16:28:58 9	a expert in, metallurgy and chemistry.	16:32:40 9	MR. SCHATZ: Timur, would now be a decent time
16:29:0710	Q. And so is it fair to say that when you're	16:32:4210	for a break?
16:29:1111	selecting a material, say from a low resistance material	16:32:4311	MR. SLONIM: Yes.
16:29:1712	that you said, you don't need to consider that fourth	16:32:4412	MR. SCHATZ: Okay, thank you.
16:29:2313	limitation about high forming a fringe-effect affecting	13	(A recess was taken from 4:32 p.m. to 4:44
16:29:3114	high frequency performance; is that a fair import of your	16:32:4614	p.m.)
16:29:3715	statements?	16:44:1215	Q. BY MR. SLONIM: Dr. Godshalk, could you read
16:29:3716	A. That may not be exactly correct.	16:44:1916	into the record what you wrote in addition to the three
16:29:4017	Q. Could you correct me, what I said, that is	16:44:2217	elements, if you had made any notation?
16:29:4418	wrong?	16:44:2518	A. Yeah, I did. I wrote down the fourth one that
16:29:4519	A. Low resistance what I'm trying to say is	16:44:2719	you and I had agreed on verbally, that a contact creates
16:29:4920	that low resistance is very desirable for the fringe	16:44:3220	fringe capacitance in the '356 patent.
16:29:5621	capacitor, making electrical connection to the interior	16:44:3821	Q. And so is it a fair characterization at the
16:30:0322	plates, you could contrast the high resistance, it never	16:44:4622	end of our discussion before the break that, about low
16:30:1023	helps you.	16:44:5123	resistance versus high resistance material, that you don't
16:30:1124	Q. What are the examples of a higher resistance	16:44:5524	have a particular numerical quantification for what a low
16:30:1525	metals?	16:45:0125	resistance materials are?
	Page 215		Page 217
16:30:16 1	A. That's outside my area of expertise because I	16:45:03 1	A. Well, low resistance in let's see, what's
16:30:25 2	always trying to use low resistance metal. I haven't	16:45:07 2	the conductivity of gold, or copper? They're around 4.7
16:30:28 3	actively sought out bad resistance metals, so you could	16:45:12 3	times let me get it right now. I might have to do the
16:30:31 4	look in the CRC Handbook. I imagine lead, something like	16:45:19 4	calculation.
16:30:35 5	that.	16:45:20 5	Q. Go ahead. If that's a quick one, no problem.
16:30:36 6	Q. And in terms of let's say determining whether	16:45:26 6	A. And I may be misremembering, if it's
16:30:39 7	a particular material is low resistance or high resistance	16:45:38 7	reciprocal or not, sorry, I'm feeling under a little
16:30:44 8	metal, how would you do that? What's the test?	16:45:41 8	pressure here.
16:30:48 9	What's the numerical bound that puts one into	16:45:42 9	Q. Well, let's probably do that calculation at a
16:30:5210	one bin and another into another?	16:45:4510	different time if we need to.
16:30:5511	A. Well, for printed circuit boards, where I use	16:45:4711	A. Okay.
16:31:2012	them more, or semiconductors, this does not necessarily	16:45:4712	Q. Could you give me other examples of low
16:31:2613	apply to capacitors because I don't build them.	16:45:4913	resistance materials
16:31:3014	Q. Okay.	16:45:5014	A. Oh
16:31:3014	A. We look for insertion loss, over the whole	16:45:5115	Q that you know of?
16:31:3516	frequency band, the insertion loss increases as the	16:45:5216	A. Yeah. Copper, gold, silver.
16:31:3516	resistance increases. That's one way of characterizing the	16:45:5216	Q. Anything else?
16:31:4017	loss.	16:45:5017	A. Um, those are the three that jump out at me
16:31:4718			
	Q. And could you put numerical bands or values on	16:46:0219	right away, the ones that I'm most familiar with.
16:31:5120	those insertion losses and the resistances?	16:46:0620	Q. Would you consider tin to be a low resistance
16:31:5721	A. Yeah. What you need to do is run a	16:46:1721	material?
16:32:0222	simulation, it depends on the metal thickness and the	16:46:1722	A. It's moderate. It's not as good as the other
16:32:0423	frequency you're at, skin depth, how deep the waves	16:46:2023	three. You can use, as I mentioned, my examples were for
16 20 0001	The second control of	1 / 1 / 2 2 2 2 /	
16:32:0824 16:32:1525	penetrate into the metal, so it's two competing factors, the thickness of the metal and the resistance, believe it	16:46:3124 16:46:3425	long interconnects, transmission lines. The resistance is less of an issue for small devices, because it's a loss per

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	Page 218		Page 220
16:46:37 1	unit length type problem.	16:49:46 1	multi-layer ceramic capacitor, the bottom of Column 1, I
16:46:39 2	Q. Okay.	16:49:51 2	think it's Line 63, it starts there, and he talks about
16:46:41 3	A. So you could use a higher loss material on	16:49:57 3	the and then continues on to the top of Column 2 where
16:46:46 4	these capacitors and not necessarily take a huge hit for	16:50:00 4	they talk about the sheets and the binder. Let's see.
16:46:49 5	it.	16:50:03 5	"The device is then dipped in conductive
16:46:49 6	Q. I see. Would you consider nickel to be a low	16:50:13 6	material to form end terminations for the internal
16:46:54 7	resistance material?	16:50:16 7	conductive structure, suitable for soldering to a surface
16:46:55 8	A. It's not as good as gold or copper.	16:50:20 8	mount circuit board or gluing and wire bonding to a hybrid
16:47:02 9	MR. SCHATZ: Objection to the extent, if	16:50:24 9	circuit," so apparently he doesn't call out the consistency
16:47:0310	you're able to make this assessment here, okay, but if	16:50:2710	of the material, which is what you asked about, I think.
16:47:0811	THE WITNESS: It wouldn't be a choice of mine	16:50:3211	Q. But otherwise, this passage that you just
16:47:1012	to use, so, I don't know. I don't know.	16:50:3612	read, the dipping, the device being dipped into conductive
16:47:1113	Q. BY MR. SLONIM: And would it be fair to say	16:50:4213	material, is that you understand how that, the contact
16:47:1414	that when you've construed a contact to mean a conductive	:16:50:4614	would be formed?
16:47:1715	material for a useful device, for a multi-layer capacitor,	16:50:4715	A. I do.
16:47:2516	you've intended that to cover the low resistance materials?	16:50:4816	Q. And does that passage suggest to you that
16:47:3017	Is that a fair import?	16:50:5417	it's how many times would it be dipped in conductive
16:47:3318	A. No. I didn't mean to imply that it had to be	16:50:5818	material? Does it suggest one time is enough?
16:47:3619	that.	16:51:0219	A. Doesn't say.
16:47:3820	Q. So your construction would cover materials	16:51:0320	Q. Would one time dipping create a conductive
16:47:4321	other than low resistance materials for contact?	16:51:0621	material?
16:47:4722	A. Yes. You could have what I would call	16:51:0622	A. I would certainly think at least a minimum of
16:47:5223	moderate resistance materials, just because the distances	16:51:0823	one is required to get a coating on there.
16:47:5424	are so short.	16:51:1024	Q. And in your construction do you require any
16:47:5625	Q. And is the conductive material is	16:51:1725	particular number of dippings?
	Page 219		Page 221
16:48:02 1	conductive material a substance of a uniform composition	16:51:19 1	A. No. It's not appropriate to the claim
16:48:11 2	when you use the conductive material in your construction?		construction at all, if it's in question.
16:48:14 3	A. I didn't address that at all.	16:51:24 3	Q. Why not?
16:48:18 4	Q. If you would address that question here with	16:51:25 4	A. Well, let's look at it, the claim that's in
16:48:21 5	me today, what's your expert opinion whether	16:51:31 5	dispute.
16:48:24 6	A. Is it consistent or not, you asked?	16:51:33 6	Q. I think we're talking about Claim 1?
16:48:26 7	Q. No. I'm asking whether a conductive material	16:51:35 7	A. Yes.
16:48:28 8	as used in your claim construction, whether that means a	16:51:36 8	Q. It's at the bottom of Column 12.
16:48:33 9	substance of uniform composition?	16:51:40 9	A. Okay. Yes. Is it the last passage of 12?
16:48:3810	MR. SCHATZ: Objection to the extent it goes	16:51:4410	A conductive first contact disposed externally
16:48:4011	beyond Dr. Godshalk's offered opinions.	16:51:4911	on the dialectric body and electrically connected to the
16:48:4512			, , , , , , , , , , , , , , , , , , , ,
10.40.4312	THE WITNESS: I would use it as it's written	16:51:5112	first plate, so I don't see anything about dipping in
16:48:4713		16:51:5112	first plate, so I don't see anything about dipping in there, just has to be sufficient to be connected to the
	in the '356 patent because they do have a paragraph describing the		first plate, so I don't see anything about dipping in there, just has to be sufficient to be connected to the first plate.
16:48:4713	in the '356 patent because they do have a paragraph	16:51:5813	there, just has to be sufficient to be connected to the
16:48:4713 16:48:5214	in the '356 patent because they do have a paragraph describing the	16:51:5813 16:52:0114	there, just has to be sufficient to be connected to the first plate.
16:48:4713 16:48:5214 16:48:5515	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the	16:51:5813 16:52:0114 16:52:0215	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you
16:48:4713 16:48:5214 16:48:5515 16:48:5716	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you	16:51:5813 16:52:0114 16:52:0215 16:52:0816	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the
16:48:4713 16:48:5214 16:48:5515 16:48:5716 16:48:5917	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you A. Sure.	16:51:5813 16:52:0114 16:52:0215 16:52:0816 16:52:1317	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the dialectric body is one way of doing that, that's taught in
16:48:4713 16:48:5214 16:48:5515 16:48:5716 16:48:5917 16:49:0218	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you A. Sure. Q. If I may redirect your attention, I think we	16:51:5813 16:52:0114 16:52:0215 16:52:0816 16:52:1317 16:52:1818	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the dialectric body is one way of doing that, that's taught in the patent, is by dipping?
16:48:4713 16:48:5214 16:48:5515 16:48:5716 16:48:5917 16:49:0218 16:49:0519	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you A. Sure. Q. If I may redirect your attention, I think we may be talking about the same paragraph.	16:51:5813 16:52:0114 16:52:0215 16:52:0816 16:52:1317 16:52:1818 16:52:1919	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the dialectric body is one way of doing that, that's taught in the patent, is by dipping? A. That is what the patent says, yes.
16:48:4713 16:48:5214 16:48:5515 16:48:5716 16:48:5917 16:49:0218 16:49:0519 16:49:0620	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you A. Sure. Q. If I may redirect your attention, I think we may be talking about the same paragraph. A. Mm-hm (affirmative response). Please.	16:51:5813 16:52:0114 16:52:0215 16:52:0816 16:52:1317 16:52:1818 16:52:1919 16:52:2220	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the dialectric body is one way of doing that, that's taught in the patent, is by dipping? A. That is what the patent says, yes. Q. But is your construction limited to dipping?
16:48:4713 16:48:5214 16:48:5515 16:48:5716 16:48:5917 16:49:0218 16:49:0519 16:49:0620 16:49:0721	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you A. Sure. Q. If I may redirect your attention, I think we may be talking about the same paragraph. A. Mm-hm (affirmative response). Please. Q. I'm talking about paragraph, Column 12, Line	16:51:5813 16:52:0114 16:52:0215 16:52:0816 16:52:1317 16:52:1818 16:52:1919 16:52:2220 16:52:3021	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the dialectric body is one way of doing that, that's taught in the patent, is by dipping? A. That is what the patent says, yes. Q. But is your construction limited to dipping? A. No, it doesn't deal with dipping at all; it
16:48:4713 16:48:5214 16:48:5515 16:48:5716 16:48:5917 16:49:0218 16:49:0519 16:49:0520 16:49:0721 16:49:1222	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you A. Sure. Q. If I may redirect your attention, I think we may be talking about the same paragraph. A. Mm-hm (affirmative response). Please. Q. I'm talking about paragraph, Column 12, Line 39.	16:51:58 13 16:52:01 14 16:52:02 15 16:52:08 16 16:52:13 17 16:52:18 18 16:52:19 19 16:52:22 20 16:52:30 21 16:52:32 22	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the dialectric body is one way of doing that, that's taught in the patent, is by dipping? A. That is what the patent says, yes. Q. But is your construction limited to dipping? A. No, it doesn't deal with dipping at all; it doesn't call it out at all.
16:48:4713 16:48:5214 16:48:5515 16:48:5716 16:48:5917 16:49:0218 16:49:0519 16:49:0620 16:49:0721 16:49:1222 16:49:1423	in the '356 patent because they do have a paragraph describing the Q. BY MR. SLONIM: Could you show me the paragraph you A. Sure. Q. If I may redirect your attention, I think we may be talking about the same paragraph. A. Mm-hm (affirmative response). Please. Q. I'm talking about paragraph, Column 12, Line 39. A. Line 39. It's not the one I was thinking of.	16:51:58 13 16:52:01 14 16:52:02 15 16:52:08 16 16:52:13 17 16:52:18 18 16:52:19 19 16:52:22 20 16:52:30 21 16:52:32 22 16:52:36 23	there, just has to be sufficient to be connected to the first plate. Q. And is it your understanding that the way you dispose a contact or a conductive material on the dialectric body is one way of doing that, that's taught in the patent, is by dipping? A. That is what the patent says, yes. Q. But is your construction limited to dipping? A. No, it doesn't deal with dipping at all; it doesn't call it out at all. Q. So, any way you can dispose conductive

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	Page 222		Page 224
16:52:47 1	contact?	16:57:08 1	A. Yes, okay. It's it ends the conductive
16:52:47 2	A. What we're talking about is any way of	16:58:39 2	material shown as 108 and 109 as the fringe capacitance,
16:52:52 3	disposing the metal, you said, not necessarily dipping.	16:58:42 3	between there, which is called 110, in Figure 19B.
16:52:54 4	Q. Right.	16:58:47 4	Q. Okay.
16:52:56 5	Is there any way to ask it another way, do	16:58:47 5	A. And similarly, between the ends marked 117 and
16:52:59 6	you exclude any other ways known to you?	16:58:51 6	118 is capacitor 119 in Figure 19B.
16:53:04 7	A. I have not excluded any other ways known to	16:58:56 7	Q. Any other fringe-effect capacitances in this
16:53:08 8	me.	16:58:59 8	figure?
16:53:08 9	Q. And if we were to look at Column 12, Line 40,	16:59:03 9	A. With respect to the definition used in the
16:53:2910	that begins with, "Indeed, different layers in the ceramic	16:59:0610	'356 patent that affect high frequency performance, I don't
16:53:3411	structure may be made of ceramic materials having different	16:59:1111	think so. Let's verify that. I think that's it.
16:53:3812	molecular structures," do you see that passage?	16:59:2512	Q. And to verify that, do you need to read
16:53:4213	A. I see it.	16:59:2813	A. Well
16:53:4314	Q. Does it imply to you that different materials	16:59:2814	Q. Is that what you're doing?
16:53:5015	have different molecular structures?	16:59:2915	A. I'm just checking. I'm just double-checking.
16:53:5316	A. I haven't considered that at all. I don't	16:59:3216	Q. I just want to accurately characterize what
16:53:5617	have an opinion on that.	16:59:3517	you're doing, what you mean by verify, verifying, you mean
16:53:5718	Q. So sitting here today you won't be able to say	16:59:3818	to read the corresponding description for Figure 19A?
16:54:0519	whether gold has a different molecular structure from tin,	16:59:4119	A. Yes, yes, that's what I'm doing.
16:54:1220	for example?	16:59:4320	Q. Okay.
16:54:1321	A. Oh, well, they're definitely different atoms.	16:59:4321	A. Because without dimensions, you can't always
16:54:1822	Their crystalline arrangement, I can't remember if they're	16:59:4622	tell what's intended.
16:54:2823	the same or different. Different atoms.	16:59:5423	Q. Okay.
16:54:3124	Q. So in your opinion, in your expert opinion,	17:00:2424	A. I believe those to be the two fringing
16:54:3725	would they have the same molecular structure at all, tin	17:00:2725	capacitances.
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16:54:41 1	and gold, for example, any two materials?	17:00:28 1	Q. So is it your opinion that there is no
16:54:45 2	A. I don't have an answer for you. I haven't	17:00:31 2	fringe-effect capacitance between 112 and 113, plates 112
16:54:57 3	considered that at all on as claim construction.	17:00:35 3	and 113? They're on the left on the right side. I'm
16:55:16 4	MR. SCHATZ: I'll caution the witness not to	17:00:38 4	sorry.
16:55:18 5	speculate.	17:00:39 5	A. 112 and 113. In a general sense, there will
16:55:19 6	Q. BY MR. SLONIM: Okay. I understand.	17:00:43 6	be fringing capacitance, but in light of the '356 claim,
16:55:23 7	A. Metal can be in different forms, so	17:00:48 7	it's not fringing capacitance that is usable to affect the
16:55:26 8	Q. And does material, the conductive material,	17:00:52 8	high frequency performance.
16:55:30 9	the way you've construed contact, require that to be a	17:00:54 9	Q. But if we were to go on the literal language
16:55:3410	single conductive material?	17:00:5810	of the claim, Claim 1, without that embellishment about
16:55:3511	A. No such requirement has been made.	17:01:0511	high frequency performance that you've introduced into your
16:55:3812	Q. So conductive material in your construction	17:01:0912	construction, that capacitance would be called
16:55:4213	means more than one material?	17:01:1313	fringe-effect capacitance, wouldn't it?
16:55:4314	A. It doesn't mean that either. There is no I	17:01:1514	A. Well, I don't think I've introduced it.
16:55:4615	made no stipulation if it's one or more.	17:01:1915	Q. I don't see high frequency performance
16:55:5016	Q. I see. Do you expect to make that stipulation	17:01:2116	language in the anywhere in Claim 1. Could you read me
16:55:5517	at some point?	17:01:4017	where those words appear?
16:55:5618	A. At present I have no plans to.	17:01:4118	A. That is correct, I'm thinking of my definition
16:56:0019	Q. If we could, we'll look at Figure 19 in the	17:01:5119	of Claim 1, where I've introduced it.
16:56:1820	'356 patent, and here I wanted to, for you to tell me what	17:01:5320	Q. So putting your definition aside, just going
	-	17:02:0321	on the general definition of what high frequency
16:56:3721	other fringe-effect capacitances in the, depicted in this		
16:56:3721 16:56:4122	other fringe-effect capacitances in the, depicted in this figure that are present in the capacitor, Figure 19A?	17:02:0622	capacitance is, you would expect from the principles of
16:56:4122	figure that are present in the capacitor, Figure 19A?	17:02:0622	capacitance is, you would expect from the principles of

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17:02:19 1	Page 226		Page 228
	capacitance, but	17:06:37 1	sown by capacitors 110 and 119. That is my conclusion and
17:02:22 2	Q. I understand. Sorry to interrupt.	17:06:42 2	opinion.
17:02:24 3	And then by the same token, you would expect	17:06:42 3	Q. But the patent does not describe one way or
17:02:29 4	fringe-effect capacitance to exist between 101 and 102?	17:06:51 4	another whether the fringe-effect between 101 and 102, has
17:02:34 5	A. In a general sense. Not that affects high	17:07:01 5	or doesn't have any high frequent effect on high
17:02:37 6	frequency performance.	17:07:03 6	frequency performance, does it?
17:02:39 7	Q. How do you know that it does not affect high	17:07:05 7	MR. SCHATZ: Objection, asked and answered.
17:02:42 8	frequency performance of a capacitor of Figure 19A?	17:07:07 8	Q. BY MR. SLONIM: You may answer.
17:02:46 9	A. Based on the equivalent circuit diagram, they	17:07:08 9	A. Yeah, in my opinion, as I've already answered,
17:02:10 3	do not show a contribution of fringing capacitance in that	17:07:1310	it's not relevant to affecting the high frequency
17:02:5811	diagram. Since I don't have the dimensions, I have to	17:07:1711	performance, so they don't show it in the high in the
17:03:0212	assume they're being honest in their diagram, and that they	17:07:1912	equivalent circuit diagram. That's my opinion.
17:03:0212	found that to be insignificant in regards to building this	17:07:2313	Q. Did they say it was not relevant, that they
17:03:0613	capacitance array.	17:07:2313	
17:03:1314	Q. Do they describe in the corresponding	17:07:2014	determined that it does not have high frequency
17:03:1715			A. They make no such statement either way, but
	description for Figure 19A how they distinguish between	17:07:3316	other parts of the '356 patent, whenever they talk about
17:03:2717	high frequency effect between, on one hand, between 101 and		generating this fringe capacitance, it's always in the
17:03:3218	102, and on the other hand between 109 and 108?	17:07:3918	context of affecting the high frequency performance.
17:03:3819	A. When they talk about 101 and 102, they talk	17:07:4419	Q. And so you're saying that the fringe-effect
17:03:4120	about the interaction of those plates with let me verify	17:07:4720	capacitance 110 affects high frequency performance of the
17:03:4621	before I say it. I know what I want to say, but I want to	17:07:5221	capacitor as a whole?
17:03:5222	be careful. Yeah, 101 and 102 are disposed. Yeah, the	17:07:5322	A. Yes.
17:04:1723	plates 101 and 102 give rise to the capacitors 105, 106 and	17:07:5723	Q. And what is that effect of the high frequency
17:04:2424	107, has to do with interaction with the floating	17:08:0224	performance of the fringe-effect capacitance 110?
17:04:2925	electrode, 104, and then it would be interaction with plate	17:08:0625	MR. SCHATZ: Objection, vague.
	Page 227		Page 229
17:04:38 1	104 would be capacitor 106 and 107, and then there's a	17:08:09 1	THE WITNESS: Could you clarify that, please?
17:04:42 2	capacitor 105, which is due to the interaction between	17:08:11 2	Q. BY MR. SLONIM: You've said that the
17:04:46 3	plate 101 and the it's unlabeled, this plate coming out	17:08:14 3	6. 66 . 1101 . 66 . 111
17:04:53 4			fringe-effect capacitance 110 has an effect on high
	from the bottom here. So they do not note any fringe	17:08:19 4	fringe-effect capacitance 110 has an effect on high frequency performance of the capacitor Figure 19A as a
17:05:00 5	from the bottom here. So they do not note any fringe capacitance for that network of plates.	17:08:19 4 17:08:23 5	-
			frequency performance of the capacitor Figure 19A as a
17:05:00 5	capacitance for that network of plates.	17:08:23 5	frequency performance of the capacitor Figure 19A as a whole; is that right?
17:05:00 5 17:05:02 6	capacitance for that network of plates. Q. And so by the absence of that description,	17:08:23 5 17:08:24 6	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right.
17:05:00 5 17:05:02 6 17:05:06 7	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect	17:08:23 5 17:08:24 6 17:08:26 7	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102?	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9	Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance.	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9 17:08:3910	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is.
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9 17:08:3910	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier
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17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2913 17:05:3214	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2913 17:05:3214 17:05:3715	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it	17:08:23 5 17:08:24 6 17:08:26 7 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect?
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2913 17:05:3214 17:05:3715 17:05:4216	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not.	17:08:23 5 17:08:24 6 17:08:26 7 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315 17:09:1516	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2913 17:05:3214 17:05:3715 17:05:4216 17:05:4717	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not. A. Well, they distinctly call out let's see,	17:08:23 5 17:08:24 6 17:08:26 7 17:08:38 8 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315 17:09:1516 17:09:2117	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest frequencies.
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2913 17:05:3214 17:05:3715 17:05:4216 17:05:5318	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not. A. Well, they distinctly call out let's see, you have the respective ends, 108 and 109, sufficiently	17:08:23 5 17:08:24 6 17:08:26 7 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315 17:09:2117 17:09:2418 17:09:2419	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest frequencies. Q. What's the highest frequency that it is
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2913 17:05:3214 17:05:3715 17:05:4216 17:05:4717 17:05:5318 17:06:0519	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not. A. Well, they distinctly call out let's see, you have the respective ends, 108 and 109, sufficiently close to each other so as to form a fringe-effect	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315 17:09:1516 17:09:2418 17:09:2418 17:09:2420	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest frequencies. Q. What's the highest frequency that it is reducing the insertion loss? What's the number for that
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2512 17:05:3214 17:05:3715 17:05:4216 17:05:4717 17:05:5318 17:06:0519 17:06:1020	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not. A. Well, they distinctly call out let's see, you have the respective ends, 108 and 109, sufficiently close to each other so as to form a fringe-effect capacitance 110, there between, as shown in Figure 19B, and	17:08:23 5 17:08:24 6 17:08:26 7 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1516 17:09:2117 17:09:2418 17:09:2419 17:09:2921	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest frequencies. Q. What's the highest frequency that it is reducing the insertion loss? What's the number for that highest frequency?
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2512 17:05:3214 17:05:3715 17:05:4216 17:05:4717 17:05:5318 17:06:0519 17:06:1020 17:06:1421	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not. A. Well, they distinctly call out let's see, you have the respective ends, 108 and 109, sufficiently close to each other so as to form a fringe-effect capacitance 110, there between, as shown in Figure 19B, and then they have analogous sentence below.	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315 17:09:1516 17:09:2117 17:09:2418 17:09:2419 17:09:2720 17:09:2921 17:09:3122	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest frequencies. Q. What's the highest frequency that it is reducing the insertion loss? What's the number for that highest frequency? A. All dependent on the values of these
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:2010 17:05:2211 17:05:2512 17:05:2913 17:05:3214 17:05:3715 17:05:4216 17:05:4717 17:05:5318 17:06:0519 17:06:1020 17:06:1421 17:06:2022 17:06:2523	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not. A. Well, they distinctly call out let's see, you have the respective ends, 108 and 109, sufficiently close to each other so as to form a fringe-effect capacitance 110, there between, as shown in Figure 19B, and then they have analogous sentence below. Q. So what's the answer to my question?	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315 17:09:1516 17:09:2117 17:09:2418 17:09:2419 17:09:2720 17:09:2921 17:09:3122 17:09:3423	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest frequencies. Q. What's the highest frequency that it is reducing the insertion loss? What's the number for that highest frequency? A. All dependent on the values of these capacitors.
17:05:00 5 17:05:02 6 17:05:06 7 17:05:10 8 17:05:14 9 17:05:20 10 17:05:22 11 17:05:25 12 17:05:25 12 17:05:32 14 17:05:37 15 17:05:42 16 17:05:47 17 17:05:53 18 17:06:05 19 17:06:10 20 17:06:14 21 17:06:20 22	capacitance for that network of plates. Q. And so by the absence of that description, that's enough for you to say that there is no fringe-effect capacitance between plates 101 and 102? A. There is none using the definition that it has to affect high frequency performance. Q. And what gives you that confidence to say that it does not have it? I don't, as far as I understood what you've just read from the description in Figure 19A, it doesn't say one way or another, does not mention whether it is it has or it hasn't any effect on high frequency performance. I didn't see anything that you've read that says it does not. A. Well, they distinctly call out let's see, you have the respective ends, 108 and 109, sufficiently close to each other so as to form a fringe-effect capacitance 110, there between, as shown in Figure 19B, and then they have analogous sentence below.	17:08:23 5 17:08:24 6 17:08:26 7 17:08:28 8 17:08:34 9 17:08:3910 17:09:0111 17:09:0812 17:09:1113 17:09:1214 17:09:1315 17:09:1516 17:09:2117 17:09:2418 17:09:2419 17:09:2720 17:09:2921 17:09:3122	frequency performance of the capacitor Figure 19A as a whole; is that right? A. Mm-hm (affirmative response). That is right. Q. And I'm trying to understand what that effect is in numbers or substance, comparatively or in any way that you can quantify what that effect is. A. Being a small value capacitor helps to reduce insertion loss of high frequencies, which I think I've said that earlier Q. So, I don't understand A today. Q. So I don't understand how that answers my question, which was, so what is that effect? A. Reduction in insertion loss at the highest frequencies. Q. What's the highest frequency that it is reducing the insertion loss? What's the number for that highest frequency? A. All dependent on the values of these

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	Page 230		Page 232
17:09:38 1	A. Without having these values, I can't do that	17:12:53 1	two effects on high frequency performance between two
17:09:40 2	calculation. I would have to have these values.	17:12:58 2	between two fringe-effect capacitances, 110 and 119?
17:09:42 3	Q. And these values were not provided in this	17:13:02 3	A. Based only on measurement, it would be
17:09:45 4	patent?	17:13:04 4	difficult to do. I don't
17:09:45 5	A. Correct.	17:13:14 5	Q. By difficult, what do you mean?
17:09:46 6	Q. So without those values you cannot confirm	17:13:15 6	What steps would you take in order to separate
17:09:48 7	that there is effect on high frequency performance from	17:13:19 7	or differentiate them?
17:09:53 8	fringe-effect capacitors 110; isn't that right?	17:13:23 8	A. I think you would need a collection of these
17:09:55 9	MR. SCHATZ: Objection, mischaracterization.	17:13:28 9	capacitors, and you'd vary one gap while holding another
17:09:5910	THE WITNESS: Based on the network that is	17:13:3210	constant, and take the measurements; then you could
17:10:0211	presented here and the statements of low, of high value	17:13:3511	ascertain the relative contribution of both.
17:10:0712	capacitors, medium value capacitors, and the lowest ones,	17:13:3812	Q. Could you describe that in any more detail,
17:10:1013	the fringe capacitor ones, it makes, I believe, what the	17:13:4013	so, what's the first step, and what equipment you're using
17:10:1514	Devoes say.	17:13:4614	to do that?
17:10:1715	Q. But you cannot verify that, there is no data	17:13:4715	A. We use an 8510 network analyzer, or there's
17:10:2016	in the patent to verify that that capacitance,	17:13:5016	other similar instruments; and would ask ATC to make me a
17:10:2317	fringe-effect capacitance 110 has any effect on high	17:13:5517	collection of capacitors with known gap dimensions.
17:10:2718	frequency performance; is that correct?	17:14:0218	Q. By collection of capacitors
17:10:3719	A. All I can say is I have not seen data for this	17:14:0419	A. Like a set of how many? A dozen, that kind
17:10:4120	capacitor.	17:14:1120	of number.
17:10:4221	Q. And so based on that absence of data, can you	17:14:1221	Q. And all the capacitors in that dozen would be
17:10:5122	conclude from that absence of data whether there is or	17:14:1822	all different capacitors?
17:10:5523	there isn't any effect on high frequency performance from	17:14:1923	A. They would have to be all identical except for
17:10:5924	fringe-effect capacitor 110?	17:14:2324	the gaps.
17:11:0425	A. All of the arguments or descriptions in the	17:14:2425	Q. And by all identical, you mean they would have
	Page 231		Page 233
17:11:06 1	summary of the '356 patent are logical that would lead	17:14:26 1	to have exactly the same internal dialectric body made of
17:11:14 2	lead me to believe the capacitor 110 will affect the high	17:14:32 2	the same dialectric material and have the exact same
17:11:19 3	frequency performance.	17:14:35 3	conductive plates disposed within that; is that what
17:11:22 4	Q. And would the fringe affect capacitance 119 on	17:14:39 4	A. Yeah, with the exception of the gap region.
17:11:26 5	the opposed end of Figure 19A also have an effect on high	17:14:41 5	Q. And the gap region, you're referring to the
17:11:32 6	frequency performance?	17:14:46 6	gap between 108 and 109
17:11:33 7	A. Yes.	17:14:48 7	A. Mm-hm (affirmative response).
17:11:33 8	Q. And what is that effect?	17:14:48 8	Q and 117 and 118?
17:11:34 9	A. Similar to capacitor 110.	17:14:51 9	A. Mm-hm (affirmative response).
17:11:4010	Q. Are they equal in size?	17:14:5110	Q. And so then what gap region would you want
17:11:4311	A. There's not enough data in this drawing,	17:14:5711	them to give you as a starting point for your measurements
17:11:4612	there's no dimensions on the gaps or the heights.	17:15:0412	to isolate these effects on high frequency performance?
17:11:5013	Q. How would you be able to distinguish, let's	17:15:1113	A. Like a table of values?
17:11:5414	say from insertion loss data or an asperometer data how	17:15:1514	Q. Yes. Any meaning that you can give me,
17:12:0015	one, the effect on high frequency performance of	17:15:2015	because now I'm pretty much at sea in terms of
17:12:0516	fringe-effect 110 on one hand, and fringe-effect 119 on	17:15:2316	understanding width.
17:12:1217	another?	17:15:2517	A. I would have them vary the gap width by a
17:12:1218	A. Hm, the response, there you have it's not	17:15:2818	factor of, do it in 20 percent, 50 percent increments, that
17:12:2719	easily knowable, because you have more variables then you	17:15:3619	kind of number.
17:12:3220	have equations. Remember in algebra you have to have the	17:15:3620	Q. And let's say you start with, let's say a gap
Ī	same number of equations as the unknowns? So they play	17:15:4121	of five mils, and you measure gap between 108 and 109, five
17:12:3521	1 71 7 1		
17:12:3521 17:12:4022	together, so it's difficult to separate the two from	17:15:5022	mils, and gap 117 and 118, 5 mils, and you measure the
		17:15:5022 17:15:5623	mils, and gap 117 and 118, 5 mils, and you measure the insertion loss
17:12:4022	together, so it's difficult to separate the two from		

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	Page 234		Page 236
17:15:59 1	contribution of 110 or 119 to the high frequency	17:19:07 1	Q. If it hasn't come across to you as one of, I
17:16:05 2	performance of the capacitor as a whole?	17:19:14 2	presume, a higher level of skill than ordinary, if up to
17:16:06 3	A. Well, based on	17:19:18 3	this point you have not seen even a single such result
17:16:08 4	MR. SCHATZ: Objection, calls for speculation.	17:19:24 4	presented anywhere in technical literature that you've
17:16:11 5	THE WITNESS: Yeah, one measurement itself	17:19:29 5	referred to, what makes you think that one would be able to
17:16:14 6	doesn't tell you anything between the two.	17:19:33 6	do that?
17:16:17 7	Q. BY MR. SLONIM: So such a measurement with	17:19:34 7	A. There are some references that show hand
17:16:19 8	both gaps at five mils would provide a baseline for you?	17:19:38 8	calculations to calculate fringe capacitances. They're in
17:16:25 9	A. I don't know if that would be my baseline, but	17:19:47 9	your references that you gave us. And if a person can do
17:16:2810	it would be a data point.	17:19:4910	it by hand, it can certainly be done by a modern simulator.
17:16:3111	Q. And let's say we change the gap between 108	17:19:5411	Q. And what calculations, are you referring to
17:16:3612	and 109 to a smaller gap, let's say two mils and held the	17:19:5812	calculations of fringe-effect capacitors?
17:16:4413	gap of 117 and 118 at five, and measure the S parameter via	17:20:0013	A. Correct.
17:16:4814	the insertion loss.	17:20:0114	Q. But I was talking about the effect of the
17:16:5115	A. Hm-mm (negative response).	17:20:0515	fringe-effect on high frequency performance, which I
17:16:5216	Q. How would those two data points that you now	17:20:0816	believe is what you were talking about, so, do you know any
17:16:5517	have tell you what the relevant contributions of 110 and	17:20:1417	publication that describes and keeps data separately for
17:17:0318	119 are to the high frequency performance of the capacitor	17:20:2418	two or more different fringe effects in a multi-layer
17:17:0819	as a whole?	17:20:2819	capacitor and their separate effects or how to isolate
17:17:0920	MR. SCHATZ: Objection, calls for speculation.	17:20:3320	their numerical values for them, as they affect high
17:17:1121	THE WITNESS: Yeah, that alone would not tell	17:20:3821	frequency performance?
17:17:1522	me, and you'd also have to do some simulations on a 3D	17:20:3822	A. I have seen no such article in publication.
17:17:2323	simulator, knowing the dimensions of the capacitor.	17:20:4123	Q. And so, just repeating my question, having not
17:17:2724	Actually, with a good simulator, you could	17:20:4624	seen that article in, what, about 20 years that you've been
17:17:2925	probably not do the measurements.	17:20:4925	in this field, what makes you believe that one would be
	Page 235		Page 237
17:17:30 1	Q. BY MR. SLONIM: And what simulations would you	17:20:53 1	able to do that?
17:17:34 2	need to perform? Could you describe them?	17:20:54 2	A. Because it's a pretty simple problem to run on
17:17:36 3	A. Yeah, use probably Ansoft Q3D, and I would	17:20:57 3	one of these modern simulators.
17:17:46 4	vary the dimensions, just as I described, to two different	17:21:03 4	Q. How long do you think this would take a modern
17:17:56 5	gaps, and you can watch how the overall capacitor changes	17:21:13 5	simulator to do that?
17:18:00 6	to the structure.	17:21:14 6	A. Under a day.
17:18:00 7	Q. And does the patent itself provide any method	17:21:19 7	Q. Under a day?
17:18:10 8	or way of determining how to determine the separate effects	17:21:20 8	A. (Nodding head.)
17:18:18 9	of 110 and 119, the fringe effects, on high frequency?	17:21:21 9	Q. Is that a single computer work station, kind
17:18:2410	A. No, it does not discuss how to separate them.	17:21:2510	of a desktop computer?
17:18:2611	Q. Is it your opinion that one of ordinary skill	17:21:2711	A. Yeah, modern, a reasonably high performance
17:18:3012	in the art would know how to do that?	17:21:3112	work station or PC.
17:18:3213	A. With a good simulator, yes, I believe they	17:21:3313	Q. By modern what are you referring to, in the
17:18:3414	could.	17:21:3614	last couple years?
17:18:3515	Q. Is there a particular	17:21:3715	A. 64 bit would be nice. Not essential, but it
17:18:3616	A. That's my opinion.	17:21:4516	speeds it up.
17:18:3717	Q. Is there a particular reference? Have you	17:21:4617	Q. And so modern is any computer that runs on 64
17:18:3918	seen such data in publication about multi-layer capacitors	17:21:5218	bits; is that
17.10.4510	where somebody has isolated those effects and told the	17:21:5319	A. Yeah, 64 bit, three megahertz clock speed or
17:18:4519		17:21:5820	better.
17:18:4519	world about some of what those effects are?	17.21.3020	
	world about some of what those effects are? A. No, I have not seen that in publication.	17:21:5821	Q. Could you please draw for me a monolithic
17:18:4920			Q. Could you please draw for me a monolithic dialectric body? And before you do that, I think if we can
17:18:4920 17:18:5321	A. No, I have not seen that in publication.	17:21:5821	
17:18:4920 17:18:5321 17:18:5722	A. No, I have not seen that in publication.Q. So what makes you think that one would be able	17:21:5821 17:22:4322	dialectric body? And before you do that, I think if we can

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	Page 238		Page 240
17:23:14 1	THE WITNESS: Are you ready?	17:27:09 1	A. Correct. It's just a bare body.
17:23:16 2	Q. BY MR. SLONIM: Yes.	17:27:13 2	Q. So, sticking with the bare dialectric body,
17:23:17 3	A. Draw a monolithic dialectric body.	17:27:17 3	without contacts, could you please draw me a substantially
17:23:21 4	Q. As it is used in your claim construction.	17:27:22 4	monolithic dialectric body?
17:23:26 5	A. It's supposed to be a rectangular box, but it	17:27:26 5	A. Okay, without contacts, you said?
17:23:40 6	doesn't have to be rectangular.	17:27:29 6	Q. Correct. Correct. So I could make an
17:23:43 7	(Witness complies.)	17:27:31 7	apples-to-apples comparison, when you Figure Alpha and that
17:23:52 8	Q. Could you label that as Figure 1 or A, and	17:27:38 8	other drawing that you would give me.
17:23:57 9	tell me that it's a monolithic dialectric body.	17:27:39 9	A. Okay. Let me just ponder this a second here.
17:24:0110	A. Okay. I used 1, 2, 3 and A, B, C. How about	17:28:0710	Well, this is what I meant by substantially
17:24:0811	Alpha?	17:28:0811	monolithic, though, because it has monolithic is one
17:24:0812	Q. Works for me.	17:28:1212	piece by definition, correct?
17:24:0913	A. So, monolithic body is what you	17:28:1313	Q. Are you asking me?
17:24:1314	Q. Monolithic dialectric body.	17:28:1514	A. Well, I'm making a statement. All right.
17:24:1915	A. Okay.	17:28:1915	Q. I thought so.
17:24:1916	Q. And below that, could you draw me a	17:28:2016	A. All right.
17:24:2417	substantially monolithic dialectric body?	17:28:2017	Q. But I can answer that question.
17:24:3018	A. Okay. (Witness complies.)	17:28:2218	A. I'm sure you can.
17:25:0219	Q. Could you label that drawing as a figure Beta,	17:28:2319	Substantially, from a distance, it looks like
17:25:0520	I guess?	17:28:2620	one piece. In this claim construction what we mean by
17:25:0621	A. Mm-hm (affirmative response). (Witness	17:28:3121	substantially monolithic is that, in reality, you could say
17:25:0722	complies.)	17:28:3622	well, there's that conductive material, and there's the
17:25:0823	Q. So what is the difference between a monolithic	17:28:3823	actual dialectric. It's not all dialectric. A large
17:25:3324	dialectric body as you've drawn in Figure Alpha, and the		percentage of it's dialectric, so we say it's substantially
17:25:3825	substantially monolithic dialectric body drawn in Figure	17:28:4725	a monolithic dialectric body. The majority of the device
	Page 239		Page 241
17:25:42 1	Beta?	17:28:54 1	is dialectric.
17:25:42 1 17:25:43 2	Beta? A. They're both, if held in a pair of tweezers, a	17:28:54 1 17:28:57 2	is dialectric. Q. What's the percentage of the device that it
		17:28:57 2	
17:25:43 2	A. They're both, if held in a pair of tweezers, a	17:28:57 2	Q. What's the percentage of the device that it
17:25:43 2 17:25:55 3	A. They're both, if held in a pair of tweezers, a surface mount capacitor, they both look to the naked eye as	17:28:57 2 17:29:01 3	Q. What's the percentage of the device that it has to have in order to be considered substantially
17:25:43 2 17:25:55 3 17:26:00 4	A. They're both, if held in a pair of tweezers, a surface mount capacitor, they both look to the naked eye as a single piece device.	17:28:57 2 17:29:01 3 17:29:05 4	Q. What's the percentage of the device that it has to have in order to be considered substantially monolithic dialectric?
17:25:43 2 17:25:55 3 17:26:00 4 17:26:02 5	A. They're both, if held in a pair of tweezers, a surface mount capacitor, they both look to the naked eye as a single piece device.Q. So that's the similarity?	17:28:57 2 17:29:01 3 17:29:05 4 17:29:06 5	Q. What's the percentage of the device that it has to have in order to be considered substantially monolithic dialectric? A. In the claim construction we say largely but
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17:25:43 2 17:25:55 3 17:26:00 4 17:26:02 5 17:26:05 7 17:26:06 8 17:26:09 9 17:26:13 10 17:26:18 11 17:26:23 12 17:26:28 13 17:26:29 14 17:26:33 15 17:26:39 16 17:26:43 17	A. They're both, if held in a pair of tweezers, a surface mount capacitor, they both look to the naked eye as a single piece device. Q. So that's the similarity? A. That's the similarity. Q. What is the difference? A. Well, the substantially one I've drawn is you'll have your conductor material on each end, you could have, you could bring them in very close to put a gap here, so there's imperfections in the surface versus well, there's supposed to be no imperfections in that one (indicating). Q. Am I correct to understand in Figure Beta, the one that you say is the substantially monolithic dialectric body, you've put some contacts on top of the dialectric body? A. Yes.	17:28:57 2 17:29:01 3 17:29:05 4 17:29:16 5 17:29:16 7 17:29:18 8 17:29:21 9 17:29:24 10 17:29:33 12 17:29:34 13 17:29:37 14 17:29:37 14 17:29:38 15 17:29:47 17 17:29:51 18	Q. What's the percentage of the device that it has to have in order to be considered substantially monolithic dialectric? A. In the claim construction we say largely but not necessarily wholly one piece dialectric body. We don't give a percentage. I didn't give a percentage there. Q. So, that's what I'm asking you here now, in your expert opinion, what does your claim construction call for, what is the percentage? MR. SCHATZ: Objection, asked and answered. Q. BY MR. SLONIM: You may answer. A. I don't have a figure today. I'm not prepared to give you an exact percentage. Q. What would you need to do in order to form an opinion on that exact percentage? A. Look at the number of metal layers inside, outside, and compare that with the total volume.
17:25:43 2 17:25:55 3 17:26:00 4 17:26:02 5 17:26:03 6 17:26:05 7 17:26:06 8 17:26:09 9 17:26:13 10 17:26:18 11 17:26:23 12 17:26:28 13 17:26:28 13 17:26:33 15 17:26:39 16 17:26:43 17 17:26:43 18 17:26:43 18	A. They're both, if held in a pair of tweezers, a surface mount capacitor, they both look to the naked eye as a single piece device. Q. So that's the similarity? A. That's the similarity. Q. What is the difference? A. Well, the substantially one I've drawn is you'll have your conductor material on each end, you could have, you could bring them in very close to put a gap here, so there's imperfections in the surface versus well, there's supposed to be no imperfections in that one (indicating). Q. Am I correct to understand in Figure Beta, the one that you say is the substantially monolithic dialectric body, you've put some contacts on top of the dialectric body? A. Yes. Q. Is that what you did?	17:28:57 2 17:29:01 3 17:29:05 4 17:29:16 5 17:29:16 7 17:29:18 8 17:29:21 9 17:29:24 10 17:29:33 12 17:29:34 13 17:29:37 14 17:29:38 15 17:29:45 16 17:29:47 17 17:29:51 18 17:29:55 19	Q. What's the percentage of the device that it has to have in order to be considered substantially monolithic dialectric? A. In the claim construction we say largely but not necessarily wholly one piece dialectric body. We don't give a percentage. I didn't give a percentage there. Q. So, that's what I'm asking you here now, in your expert opinion, what does your claim construction call for, what is the percentage? MR. SCHATZ: Objection, asked and answered. Q. BY MR. SLONIM: You may answer. A. I don't have a figure today. I'm not prepared to give you an exact percentage. Q. What would you need to do in order to form an opinion on that exact percentage? A. Look at the number of metal layers inside, outside, and compare that with the total volume. Q. And by the total number of layers, do you mean
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17:25:43 2 17:25:55 3 17:26:00 4 17:26:02 5 17:26:03 6 17:26:05 7 17:26:06 8 17:26:09 9 17:26:13 10 17:26:18 11 17:26:23 12 17:26:28 13 17:26:29 14 17:26:33 15 17:26:39 16 17:26:43 17 17:26:43 18 17:26:45 19 17:26:45 20 17:26:45 20	A. They're both, if held in a pair of tweezers, a surface mount capacitor, they both look to the naked eye as a single piece device. Q. So that's the similarity? A. That's the similarity. Q. What is the difference? A. Well, the substantially one I've drawn is you'll have your conductor material on each end, you could have, you could bring them in very close to put a gap here, so there's imperfections in the surface versus well, there's supposed to be no imperfections in that one (indicating). Q. Am I correct to understand in Figure Beta, the one that you say is the substantially monolithic dialectric body, you've put some contacts on top of the dialectric body? A. Yes. Q. Is that what you did? A. That's what I've done there. Q. But could you redraw that figure, because I didn't ask it to be with contacts, because I think, and let	17:28:57 2 17:29:01 3 17:29:05 4 17:29:16 5 17:29:16 7 17:29:18 8 17:29:21 9 17:29:24 10 17:29:33 12 17:29:34 13 17:29:37 14 17:29:38 15 17:29:45 16 17:29:47 17 17:29:51 18 17:29:55 19 17:30:07 20 17:30:10 21 17:30:24 22	Q. What's the percentage of the device that it has to have in order to be considered substantially monolithic dialectric? A. In the claim construction we say largely but not necessarily wholly one piece dialectric body. We don't give a percentage. I didn't give a percentage there. Q. So, that's what I'm asking you here now, in your expert opinion, what does your claim construction call for, what is the percentage? MR. SCHATZ: Objection, asked and answered. Q. BY MR. SLONIM: You may answer. A. I don't have a figure today. I'm not prepared to give you an exact percentage. Q. What would you need to do in order to form an opinion on that exact percentage? A. Look at the number of metal layers inside, outside, and compare that with the total volume. Q. And by the total number of layers, do you mean the dialectric layers? A. One way to do it would be to take all the metal out of it and put it in one pile, and all the

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	Page 242		Page 244
17:30:31 1	A. Volume or weight. Well, hm. They're	17:33:40 1	THE WITNESS: Yeah, I don't see that term used
17:30:37 2	different. Talking shape, so that would imply volume.	17:33:42 2	all the time in all the patents, so I don't think they all
17:30:51 3	Q. You mean the shape of the metal contacts	17:33:45 3	are substantially monolithic. I've never done a survey on
17:30:55 4	inside the dialectric body?	17:33:48 4	it, so I don't know.
17:30:55 5	A. Yeah; how much the percent is of the volume is	17:33:49 5	Q. BY MR. SLONIM: But does it mean, if there is
17:30:57 6	due to metal versus dialectric.	17:33:55 6	an object called substantially monolithic, does that also
17:31:00 7	Q. So that would determine whether a capacitor at	17:33:58 7	imply that there is another object that may not be
17:31:07 8	a particular threshold or a percentage is or is not	17:34:00 8	substantially monolithic?
17:31:11 9	substantially, has a substantial monolithic dialectric	17:34:02 9	A. I don't think one implies the other.
17:31:1610	body; is that right?	17:34:0410	Q. Is there a degree of monolithicness? You've
17:31:2011	A. I don't know if that could be a definitive	17:34:1011	drawn a monolithic body.
17:31:2312	definition; it's just a way of coming up with a percentage.	17:34:1212	A. Mm-hm (affirmative response).
17:31:2513	Q. So let's go back to the task that we started	17:34:1213	Q. You've drawn what you believe is a
17:31:3414	with.	17:34:1414	substantially monolithic body.
17:31:3515	A. Mm-hm (affirmative response).	17:34:1615	A. Mm-hm (affirmative response).
17:31:3516	Q. Could you draw me an equivalent figure for the	17:34:1616	Q. Is there a degree of monolithicness?
17:31:4317	Figure Alpha without contacts that would be a	17:34:1817	A. When I said substantial, I was just trying to
17:31:5018	representation of substantially monolithic dialectric body.	17:34:2318	distinguish it from being perfectly monolithic. There's a
17:31:5619	And I would ask that you do that now.	17:34:2719	perfectly monolithic dialectric body, just a dialectric,
17:31:5820	MR. SCHATZ: Objection. Dr. Godshalk already	17:34:3120	right? That would be a pretty useless capacitor with no
17:32:0021	drew what he believes to be a substantially monolithic	17:34:3421	metal.
17:32:0422	body, and he described it as Figure Beta.	17:34:3522	Q. Okay.
17:32:0823	THE WITNESS: Yeah. I don't know what I would	17:34:3623	A. So that's my reasoning for saying
17:32:1024	draw different than Beta. I mean, I thought this is what	17:34:3824	substantially.
17:32:1325	you want.	17:34:3925 Q. So inserting the plates, the metal plate	
	Page 243		Page 245
17:32:14 1	Q. BY MR. SLONIM: What I want is to understand	17:34:44 1	the dialectric body, is that what creates the problem with
17:32:18 2	what your construction is.	17:34:51 2	monolithicness in your opinion?
17:32:19 3	A. Oh, my construction is represented in Beta.	17:34:52 3	MR. SCHATZ: Objection, vague.
17:32:24 4	Q. So what's the difference between monolithic	17:34:53 4	Q. BY MR. SLONIM: You may answer.
17:32:29 5	and substantially monolithic body?	17:34:54 5	A. The fact that it's not a hundred percent
17:32:33 6	MR. SCHATZ: Objection, asked and answered.	17:34:58 6	dialectric and we have to put contacts, conductor materials
17:32:35 7	THE WITNESS: Yeah, I did explain it before,	17:35:03 7	on it, reduces it to substantially monolithic.
17:32:37 8	the tweezer test, so	17:35:06 8	Q. And could it be further reduced to a
17:32:39 9	Q. BY MR. SLONIM: Could you draw me a figure of	17:35:16 9	nonmonolithic or insubstantially monolithic by inclusion of
17:32:4410	an insubstantially monolithic dialectric body?	17:35:2610	more plates or in any other way, in your expert opinion?
17:32:4811	A. I haven't considered that.	17:35:3011	MR. SCHATZ: Objection, vague, and a compound
17:32:5312	Q. Would your construction that there is a	17:35:3312	question.
17:32:5813	characteristic of substantially also imply that there is	17:35:3313	Which question would you like him to answer?
17:33:0114	other characteristics?	17:35:3714	Q. BY MR. SLONIM: You may answer. You may
17:33:0215	A. I've never seen the term. I've seen	17:35:3915	answer.
17:33:0516	substantially monolithic body used in prior art patents.	17:35:3916	A. I don't know. I haven't considered that at
17:33:0817	I've never seen the term insubstantial monolithic body. I	17:35:4317	all. I was trying to describe the '356 capacitor, not
17:33:1318	don't feel prepared to draw that.	17:35:4718	alternative capacitors. I was really trying to define this
17:33:1419	Q. So does your construction imply that the whole	17:35:5119	capacitor, the definition of that.
17:33:2120	universe of these dialectric bodies is substantially	17:35:5520	Q. Correct. What I'm trying to understand is
17:33:2521	monolithic dialectric body?	17:35:5721	what does that definition cover and how does that
17:33:2722	A. The whole universe.	17:36:0022	definition work?
17:33:3023	Q. The multi-layer capacitors, all of them have	17:36:0123	A. Mm-hm (affirmative response).
17:33:3424	substantially monolithic dialectric body.	17:36:0224	Q. If I am given a capacitor, what would you do,
17:33:3825	MR. SCHATZ: Objection, calls for speculation.	17:36:0825	a multilayer capacitor, ceramic capacitor, what would you

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	Page 246		Page 248
17:36:11 1	do to determine, and you've never seen that capacitor	17:39:29 1	Q. And so let's say the top capacitor 8, in
17:36:14 2	before, you don't have a label, you don't know who the	17:39:36 2	Figure 8A, which are labeled A, if those two capacitors of
17:36:16 3	manufacturer is, somebody drops it on your how would you	17:39:41 3	that type A are stacked upon one another, would you call
17:36:21 4	determine whether that capacitor is monolithic or	17:39:45 4	that combination of two capacitors of this A
17:36:27 5	substantially monolithic?	17:39:51 5	A. Two identical ones?
17:36:28 6	A. Got it.	17:39:53 6	Q two identical ones to be stacked up on each
17:36:29 7	Well, if it works as a capacitor, it's not	17:39:56 7	other
17:36:35 8	purely monolithic, because there's some metal in there, so	17:39:56 8	A. Oh, boy.
17:36:39 9	it pushes it out of the monolithic category into the	17:39:57 9	Q as a monolithic capacitor?
17:36:4310	substantially monolithic category.	17:40:0310	MR. SCHATZ: Did you say it would be a
17:36:4511	Q. So is it your expert opinion that, under your	17:40:0511	monolithic capacitor or a similar?
17:36:5112	construction of the term substantially monolithic, any	17:40:0712	THE WITNESS: It wouldn't be monolithic.
17:36:5713	capacitor that, as you said, works as a capacitor, would be	17:40:0913	Sorry.
17:37:0014	substantially monolithic?	17:40:0914	MR. SCHATZ: I'm trying to clarify the
17:37:0215	MR. SCHATZ: Object, it mischaracterizes the	17:40:1215	question.
17:37:0416	testimony.	17:40:1216	Were you asking whether or not that was a
17:37:0517	THE WITNESS: Because we're talking about	17:40:1317	monolithic capacitor example or an example of a
17:37:0618	ceramic capacitors.	17:40:1618	substantially monolithic?
17:37:0719	Q. BY MR. SLONIM: Multi-layer ceramic	17:40:1719	Q. BY MR. SLONIM: Let's start with a monolithic.
17:37:1020	capacitors, that's all we're talking about here.	17:40:2020	A. I would say no, it is not monolithic.
17:37:1121	A. When I think of monolithic, what do we mean by	17:40:2221	Q. Would you say it is substantially monolithic?
17:37:1922	non substantially monolithic, multiple bodies that are	17:40:2522	A. That's so subjective. I can't answer that
17:37:2223	distinct from each other.	17:40:2923	one.
17:37:2324	Q. Could you give me an example?	17:40:3024	Q. What's the subjectivity in that question?
17:37:2625	A. Yes, I can. Now we're connecting.	17:40:3425	A. Well, obvious, a connection is between the
	Page 247		Page 249
17:37:31 1	Here we go. Figure 8A, a great example, this	17:40:42 1	two.
17:37:36 2	is not a substantially monolithic capacitor.	17:40:45 2	Q. And by how obvious the connection between the
17:37:39 3	Q. Could you label the one or more different	17:40:48 3	two is, are you referring to, what, the amount of solder
17:37:46 4	capacitors that are presented in Figure 8?	17:40:52 4	between them, or
17:37:48 5	A. It appears to me there are two distinct	17:40:56 5	A. I have to think about this.
17:37:53 6	capacitors that are bonded together.	17:41:39 6	If you took the exact form as what I've drawn
17:37:56 7	Q. Could you draw circles around one, and then	17:41:42 7	here, and you could not tell that it had been built out of
17:37:59 8	the next one so, and label the circles?	17:41:45 8	two separate capacitors, it's speculation, though, what I'm
17:38:03 9	A. (Witness complies.)	17:41:55 9	doing here. It's so subjective. I don't think I can give
17:38:0510	Q. So Figure 8A presents an example of a non	17:42:0210	you a definitive answer on it, though.
17:38:1311	substantially monolithic capacitor; is that right?	17:42:0411	Q. Does the patent, as you've read it many times,
17:38:1812	A. Correct.	17:42:0812	provide that answer?
17:38:1813	Q. So two capacitors, two multi-layer ceramic	17:42:0813	A. It does not
17:38:2314	capacitors stacked up on each other as in Figure 8A, would		MR. SCHATZ: Objection, goes beyond
17:38:2815	not be, under your definition, a substantially monolithic	17:42:1615	Dr. Godshalk's testimony and his opinions in Exhibit 3.
17:38:3416	capacitor; is that correct?	17:42:2116	THE WITNESS: That's true, because I
17:38:3717	A. I would not call them substantially	17:42:2317	haven't
17:39:0018	monolithic, if it is clear to an observer, that it's two	17:42:2418	Q. BY MR. SLONIM: You may answer.
17:39:0619	separate components attached together. If they were so	17:42:2519	A. I have not reviewed the patent from that point
17:39:0920	similar in shape and they were put together, and you	17:42:2920	of view.
17:39:1321	couldn't tell anymore, then they would take a monolithic, a	17:42:2921	Q. But in your reviews that you have done to date
	substantially monolithic shape. And the reason I pick 8A	17:42:3522	of the patent, you have not encountered a test or
17:39:1622	substantiany monontine snape. And the reason i pick of		
17:39:1622 17:39:1923	is that they're a very different cross-section. I can	17:42:4123	definition or anything that would help one differentiate
		17:42:4123 17:42:4724	definition or anything that would help one differentiate between monolithic multi-layer capacitors and substantially

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	Page 250		Page 252	
17:42:57 1	the defining characteristics of one that are not present in	17:45:36 1	body? Is that fair?	
17:43:01 2	another?	17:45:38 2	A. Let me ponder that over a minute.	
17:43:01 3	MR. SCHATZ: Objection, vague and compound	17:45:44 3	Q. Absolutely.	
17:43:04 4	Multiple	17:46:26 4	A. Could you please repeat your question?	
17:43:07 5	Q. BY MR. SLONIM: You may answer.	17:46:37 5	Q. Sure.	
17:43:08 6	A. All I can do is stand by my answer that, to	17:46:38 6	So does the addition of metal contacts on top	
17:43:08 7	me, monolithic, perfectly monolithic means just a	17:46:52 7	of the dialectric body take that dialectric body out of the	
17:43:12 8	dialectric, so, I don't substantially monolithic allows	17:46:59 8	category called monolithic dialectric body and into a	
17:43:20 9	it to have conductive material on the exterior; that was	17:47:04 9	category called substantially monolithic dialectric body?	
17:43:2610	the intent when I wrote this claim construction.	17:47:0910	Is that what your construction	
17:43:2911	Q. I see. So a definition that references the	17:47:1111	A. I did not okay.	
17:43:3512	metal plates or the amount of metal within the dialectric	17:47:1912	My construction is that I felt substantially	
17:43:4113	body, in one form or another, you would assume that that	17:47:2113	was a more accurate way of describing this capacitor.	
17:43:4514	definition is a more appropriate definition of a	17:47:2814	Q. And I'm trying to understand what was what	
17:43:5015	substantially monolithic dialectric body?	17:47:3615	is the level of accuracy that your construction offers us?	
17:43:5316	MR. SCHATZ: Objection, mischaracterization of	17:47:4016	A. I didn't feel comfortable calling it a	
17:43:5517	the testimony.	17:47:4417	perfectly monolithic body because it does have these	
17:43:5618	THE WITNESS: I'm sorry, I didn't follow you	17:47:4718	external conductor material elements on it, arranged on it	
17:43:5819	on that one.	17:47:5319	so	
17:43:5920	Q. BY MR. SLONIM: So from this discussion that	17:47:5420	Q. But it seems to me now as a result of this	
17:44:0221	the plates, the metal plates, the conductive plates being	17:47:5621	discussion that there is would it be fair to say that	
17:44:0822	inserted in between the layers of dialectric, I guess break	17:48:0022	you haven't finished that construction?	
17:44:1523	the monolithicness?	17:48:0423	MR. SCHATZ: Objection.	
17:44:1824	A. I didn't consider interior plates at all. The	17:48:0524	THE WITNESS: I'm comfortable.	
17:44:2125	claim, what it was targeting, was the external aspects of	17:48:0725	Q. BY MR. SLONIM: So if I were to give you a	
	Page 251		Page 253	
17:44:28 1	the capacitor.	17:48:11 1	capacitor that you haven't seen before and asked you	
17:44:29 2	Q. So you're saying the substantially monolithic	17:48:16 2	whether it falls within the scope of Claim 1 of the '356	
17:44:37 3	dialectric body that claim element refers to external	17:48:21 3	patent and the first element of that claim is a	
17:44:42 4	elements of the capacitor?	17:48:24 4	substantially monolithic dialectric body, what would you do	
17:44:44 5	MR. SCHATZ: Object.	17:48:29 5	in order to answer the question whether it has a	
17:44:44 6	Q. BY MR. SLONIM: I'm not sure I understand what	17:48:32 6	substantially monolithic dialectric body or if it does not?	
17:44:46 7	you meant.	17:48:36 7	MR. SCHATZ: Objection, calls for speculation.	
17:44:47 8	MR. SCHATZ: Objection, asked and answered.	17:48:39 8	THE WITNESS: Yeah, I haven't thought that one	
17:44:49 9	Q. BY MR. SLONIM: If you can clarify your	17:48:41 9	out. I don't know what test I would perform on it.	
17:44:5110	answer.	17:48:4610	Q. BY MR. SLONIM: Do you know if the literature	
17:44:5111	A. Well, I tried to show it in the drawing here,	17:48:4911	specifies a test for substantially monolithic, for	
17:44:5412	when I said substantially monolithic, I was trying to show	17:48:5312	substantial monolithicness to	
17:44:5713	these external conductive materials.	17:48:5713	A. No, I have not seen a defined test for	
17:45:0014	Q. And you're pointing to Figure B?	17:48:5914	something to be classified as substantially monolithic.	
17:45:0215	A. Yes.	17:49:0115	Q. And as you sit here today, you don't have that	
17:45:0316	Q. So you're saying the contacts, metal contacts	17:49:0416	test that you can describe to me?	
17:45:0817	on top of	17:49:0617	A. No. It just seemed like an accurate	
17:45:1018	A. Arranged on the exterior of the capacitor.	17:49:1118	description of the device.	
17:45:1219	Q. Arranged or exposed on the exterior of the	17:49:1719	MR. SCHATZ: Timur, would now be a good time	
17:45:1520	capacitor?	17:49:1920	to take a break?	
17:45:1521	A. Yeah. That is what I was focused on.	17:49:2021	MR. SLONIM: Yes.	
17.43.1321		17:49:2122 MR. SCHATZ: By my calculations we may have		
17:45:1722	Q. So that addition of those contacts takes the	17.13.2122		
17:45:1722 17:45:2323	capacitor, takes the, that device, the capacitor, out of		about 25 minutes left. Maybe during the break the court	
17:45:1722				

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17:49:30 1	probably about right. So do we agree?	18:06:35 1	Q does that mean that that dialectric body
18:02:48 2	(A discussion was had off the record; A recess	18:06:38 2	has plates or it doesn't have plates?
18:02:49 3	was taken from 5:50 p.m. to 6:02 p.m.)	18:06:40 3	A. Well, I believe our term, where we wrote
18:03:41 4	MR. SLONIM: We can go for about 20 minutes	18:06:44 4	substantially, meaning to a great extent or degree,
18:03:43 5	and then reassess where we are, just to close the loop. I	18:06:48 5	monolithic means consisting of one piece, is consistent
18:03:46 6	think we probably we're only talking about ten minutes of a	18:06:50 6	with what we're talking about in the '356 patent. I don't
18:03:49 7	difference, which may not exist at the end, so, we can take	18:06:54 7	see any problem there.
18:03:54 8	it as we go through.	18:06:55 8	Q. So does it have plates or doesn't it?
18:04:19 9	(Deposition Exhibits Nos. 7 & 8 were marked	18:07:00 9	MR. SCHATZ: Objection, asked and answered.
18:04:2010	for identification.)	18:07:0410	THE WITNESS: I think I answered that, didn't
18:04:2011	Q. BY MR. SLONIM: Dr. Godshalk, we've placed	18:07:0711	1?
18:04:2212	before you an excerpt from the McGraw-Hill Dictionary of	18:07:0712	Q. BY MR. SLONIM: No, you did not, as far as I
18:04:2613	Scientific and Technical Terms, and particularly, I want	18:07:1113	could understand.
18:04:2914	you to turn to Page No. 1294 at the top and if you could	18:07:1214	A. Okay.
18:04:3315	read the definition of, at the bottom of that page, of the	18:07:1215	Q. And that's why I'm asking.
18:04:3816	term "monolithic ceramic capacitor?	18:07:1316	A. Please repeat the question then.
18:04:4117	A. Okay. "A capacitor that consists of thin	18:07:1517	Q. So when Claim 1 of the '356 patent says, "A
18:04:4418	dialectric layers interleaved with staggered metal-film	18:07:2518	capacitor comprising a substantially monolithic dialectric
18:04:4819	electrodes after leads are connected to alternate	18:07:2919	body," does that element, the substantially monolithic
18:04:5120	projecting ends of the electrodes, the assembly is	18:07:3220	dialectric body, include conductive plates within it?
18:04:5321	compressed and sintered to form a solid monolithic block."	18:07:4121	MR. SCHATZ: As far as the required
18:04:5922	Q. Does this definition of the monolithic ceramic	18:07:4422	definition, or as an example?
18:05:0223	capacitor say that a dialectric body of that capacitor	18:07:4723	Q. BY MR. SLONIM: As far as that literal
18:05:1024	necessarily includes metal plates?	18:07:5124	language is used in the claim?
18:05:1325	A. It says "consists of thin dialectric layers	18:07:5225	A. Oh, I wasn't talking about the interior of the
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18:05:18 1	interleaved with staggered metal-film electrodes", so, it	18:07:54 1	capacitor there; I was focusing on the exterior of it, as a
18:05:21 2	would seem to.	18:07:57 2	shape, that it's one piece, versus built up of multiple
18:05:22 3	O. To include metal electrodes conductors?	18:08:01 3	pieces. That was the intent of that.
18:05:26 4	A. Staggered metal-film electrodes, yes.	18:08:05 4	Q. The intent of your construction?
18:05:30 5	Q. Would that change your opinion about Figure	18:08:07 5	A. Mm-hm (affirmative response).
18:05:35 6	Alpha in Figure 8, that the monolithic dialectric body is	18:08:08 6	Q. But you've also said that you can't determine
18:05:42 7	of a multi-layer ceramic capacitor, is a perfect 100	18:08:12 7	if it's the same multi-layer capacitor or stacked up on
18:05:47 8	percent dialectric body without plates?	18:08:16 8	each other at the same configuration. You won't be able to
18:05:51 9	MR. SCHATZ: Objection.	18:08:21 9	determine whether two capacitors stacked up on each other
18:05:5210	THE WITNESS: Doesn't change it at all.	18:08:2510	are substantially monolithic or not.
18:05:5411	MR. SCHATZ: Objection, calls for an	18:08:2711	MR. SCHATZ: Objection, objection compound
18:05:5712	application of a definition of a term that is not in	18:08:2912	question.
18:05:5913	connection with the '356 patent, and it also calls for an	18:08:3113	THE WITNESS: What I said before is I couldn't
18:06:0314	application that Dr. Godshalk has not provided testimony	18:08:3314	decide that.
18:06:0815	on.	18:08:3415	Q. BY MR. SLONIM: Is it fair to call a contact
18:06:0916	THE WITNESS: Okay.	18:08:4116	as used in Claim 1 and in your construction, a conductive
18:06:0917	Q. BY MR. SLONIM: If you could continue your	18:08:4517	layer?
18:06:1118	answer.	18:08:4518	A. I think it's too limiting to call it that, so
18:06:1119	A. I'm fine with what I wrote, because it would	18:08:5419	I'd say no.
18:06:1520	classify as a dialectric body, not a ceramic capacitor.	18:08:5420	Q. Why is it limiting?
18:06:1921	That wasn't the question.	18:08:5621	A. It implies that it has to be a two-dimensional
	O Coife comesites has as Claim 1 care a	18:09:0122	surface.
18:06:1922	Q. So if a capacitor has, as Claim 1 says, a		
	g. So it a capacitor has, as Claim 1 says, a substantially monolithic dialectric body, as Claim 1 of the		Q. So a layer, is that your understanding that a
18:06:1922			Q. So a layer, is that your understanding that a layer is a two-dimensional surface?

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18:09:18 1	Q. And that's why I'm asking in the breadth of	18:14:00 1	restrictive to me to call it a layer. I think that the
18:09:22 2	the connotations, why is it not fair to call a contact a	18:14:04 2	words conductive material are perfectly adequate.
18:09:28 3	conductive layer?	18:14:07 3	Q. And so if we were to look at the Figure 19A,
18:09:29 4	MR. SCHATZ: Objection, asked and answered.	18:14:12 4	so the planar portion of contact 12, that's parallel to the
18:09:32 5	THE WITNESS: Yeah, I think I did just answer	18:14:19 5	bottom portion, just that, without the, where it bent over
18:09:34 6	that. It's due to the connotation that it could be a	18:14:25 6	and goes into 117 and 108, would that portion, without
18:09:38 7	restriction that it's a planar, a plane.	18:14:33 7	those portions bending over the capacitor, would you
18:09:40 8	Q. BY MR. SLONIM: If we were to look at Figure	18:14:36 8	consider that portion of contact 12 to be a conductive
18:09:47 9	18A in the '356 patent let's look at 19A.	18:14:40 9	layer?
18:09:5610	A. Okay.	18:14:4110	A. No, I wouldn't.
18:09:5611	Q. There's contact 12 depicted there. Would it	18:14:4411	Q. I'm not sure I understand your two-dimensional
18:10:0812	be fair to call that contact that conductive layer?	18:14:5112	versus three-dimensional import.
18:10:1413	MR. SCHATZ: Objection, vague.	18:14:5413	Is it your testimony that conductive material
18:10:2214	THE WITNESS: I don't have an opinion on	18:14:5814	is a three-dimensional something, three-dimensional
18:10:2415	calling it that or not. I think conductive material or	18:15:1015	coating?
18:10:2716	conductive structure is perfectly adequate.	18:15:1016	A. The question was about what I define as
18:10:2917	Q. BY MR. SLONIM: If I wanted to call it a	18:15:2617	conductive material; is that correct?
18:10:3118	conductive layer, would that also be a fine definition for	18:15:2818	Q. Correct.
18:10:3419	that contact 112?	18:15:2819	A. Okay.
18:10:3720	MR. SCHATZ: Objection, asked and answered.	18:15:2920	Q. Whether that is a three-dimensional coating,
18:10:3821	THE WITNESS: Yeah. I don't have an opinion	18:15:3421	as opposed to what you call a two-dimensional layer?
18:10:4122	on that.	18:15:3922	A. Okay.
18:10:4123	Q. BY MR. SLONIM: So you don't agree or disagree	18:15:4023	Q. I just want to understand what the precise
18:10:4824	with that construction?	18:15:4224	difference is.
18:10:5025	A. I think it's too restrictive.	18:15:4325	A. I look at Figure 10A, and that's why
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18:10:52 1	MR. SCHATZ: Objection, asked and answered and	18:15:51 1	conductive material, or conductive structure is, in my
18:10:54 2	it mischaracterizes Dr. Godshalk's testimony of just about	18:15:55 2	opinion, is the term that's most accurate.
18:11:00 3	a minute and a half ago.	18:16:01 3	Q. So what in Figure 10A
18:11:01 4	Q. BY MR. SLONIM: Could you tell me whether you	18:16:04 4	A. In this example the conductive structure could
18:11:02 5	agree, whether you have an opinion on whether a conductive	18:16:07 5	be Items 12, 13, 74 and 72.
18:11:10 6	layer is appropriate construction for the term "contact"?	18:16:12 6	Q. And wouldn't the term layer cover those
18:11:14 7	A. Let me look at my notes here for a second.	18:16:27 7	things, in your opinion?
18:12:18 8	I don't like the term "layer" because it's	18:16:27 8	A. I didn't feel that it did, so that's why I
18:12:20 9	used nowhere in the '356 patent.	18:16:35 9	proposed the definition that's in the claim construction
18:12:2410	Q. So the term "layer" is not used in the '356	18:16:3910	document.
18:12:3011	patent; is that your testimony here today?	18:16:4011	Q. Do you understand that the contact 12 and pad
18:12:3112	A. What I'd like to say is when referring to Item	18:16:4912	74 are made of different materials as depicted in Figure
18:12:5413	12, it's usually referred to as conductive material,	18:16:5813	10A?
18:12:5714	conductive structure. That's the dominant vernacular in	18:16:5814	A. I don't know if we can make that assumption
18:13:0315	the patent.	18:16:5915	that they are different.
18:13:0316	Q. But it does not exclude the potential to	18:17:0016	Q. Do you see different hatchings?
18:13:1417	define contact as a conductive layer, does it?	18:17:0217	A. I do.
18:13:2318	Let me rephrase the question.	18:17:0218	Q. Do you understand that in patent law
18:13:3519	Could you tell me, what is the difference	18:17:0819	applicants are supposed to hatch different materials
18:13:4020	between a conductive later and a conductive material, in	18:17:1120	differently?
18:13:4321	your expert opinion?	18:17:1121	A. Hm. I did not.
18:13:4522	A. To me, layer implies two it could have a	18:17:1322	Q. With that understanding, would you say that
18:13:4923	connotation of requiring a two-dimensional surface. You	18:17:2023	there are different materials for contact 12 and pad 74?
18:13:5224 18:13:5725	could put a bump, conduct a bump on this capacitor and use it. It doesn't have to be a planar layer. It seems too	18:17:2724 18:17:3025	A. I think, based definition you have told me, then, yes, they would be different conductive materials.

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18:17:35 1	Q. And in your opinion, would the fact that they	18:22:54 1	Q. Have you asked for that statement to review
18:17:40 2	are different conductive materials still result in the same	18:22:57 2	it?
18:17:46 3	opinion? Would that change your initial opinion what the	18:22:57 3	A. No, I have not.
18:17:49 4	conductive material means?	18:22:58 4	Q. Why not?
18:17:51 5	MR. SCHATZ: Objection. Objection, vague.	18:22:59 5	A. I was busy getting ready for this. I hadn't
18:17:54 6	Q. BY MR. SLONIM: You may answer.	18:23:11 6	thought about it yet.
18:17:55 7	A. I'm trying to understand which of the claims	18:23:13 7	Q. So it wasn't important for you to read that
18:18:44 8	that this is relevant to, if you could help me on that.	18:23:14 8	statement in preparation for your deposition here today?
18:18:53 9	Q. Could you give me a more complete question.	18:23:20 9	A. Well, I don't think I could do justice to it
18:18:5510	I'm not sure I follow.	18:23:2210	in one evening.
18:18:5611	A. Okay.	18:23:2311	Q. And yesterday was the first time you were
18:18:5912	Q. You mean which	18:23:2512	informed that Dr. Dougherty has provided such a statement?
13	A. You're talking about	18:23:3013	A. That is the truth.
18:18:5914	Q. I think we're in Claim 1 contact	18:23:3114	Q. What did you do to prepare for this
18:19:0215	A. Yeah.	18:23:3315	deposition?
18:19:0216	Q and you've defined it.	18:23:3316	A. I read the '356 patent and all the filing
18:19:1017	I think we can use either the first conductive	18:23:4117	materials that came with it, and I read all of the material
18:19:1418	contact or the second conductive contact; I understand them	18:23:4318	that you provided, the approximately 46 references, plus
18:19:1719	to the same in your construction?	18:23:4919	there's three articles in the Herbert book. It's an
18:19:1820	A. Mm-hm (affirmative response).	18:23:5420	excerpt from that book.
18:19:1921	Q. And both of them you construed to mean a	18:23:5521	Q. How long did that preparation take you?
18:19:2222	conductive material.	18:23:5722	A. Approximately, see, we're in the 17th. A
18:19:2423	A. Let's see. So your question was, because of	18:24:0823	little over two months.
18:20:3624	the different crosshatches, my opinion on calling them	18:24:0924	Q. What I meant was not what you've done to
18:20:4025	conductive material; is that correct?	18:24:1225	arrive at your claim construction opinions, but after you
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18:20:43 1	Q. Right. Whether that changes your opinion	18:24:17 1	were done with your statement, specifically in preparation
18:20:46 2	about calling or defining a contact within Claim 1 as a	18:24:24 2	for this deposition, what have you done, and how long did
18:20:52 3	conductive material?	18:24:26 3	that take you?
18:20:53 4	A. Okay. I don't see that it has to change it	18:24:27 4	A. Okay. So, let me clearly understand you.
18:21:44 5	being called a conductive material.	18:24:29 5	After this was submitted to you?
18:21:45 6	Q. So a conductive material, under your	18:24:32 6	Q. Correct. And in preparation for today's
18:21:49 7	definition, would encompass a combination of two different	18:24:35 7	deposition, what did you do?
18:21:52 8	materials, as you've told us that the under your	18:24:37 8	A. This was what date was this submitted to
18:21:56 9	definition, pad 74 and contact 12 or element 12 made of two	18:24:39 9	you?
18:22:0210	different materials as denoted by different hatchings,	18:24:4010	Q. February 26th, I think that's what your
18:22:0911	under your construction, were a contact, and therefore,	18:24:4111	signature line indicates.
18:22:1112	were a conductive material?	18:24:4412	A. Oh, thank you.
18:22:1213	A. Yes.	18:24:4513	Q. Absolutely.
18:22:1214	Q. Have you reviewed Dr. Dougherty's claim	18:24:4614	A. Yes, okay.
18:22:2515	construction statement?	18:24:5015	MR. SCHATZ: While Dr. Godshalk is thinking,
18:22:2716	A. No. I have not seen it.	18:24:5316	I'll just make a note for the record that we've gone 20
18:22:2817	Q. You were not provided with a copy of it?	18:24:5617	minutes since we took a break. We're okay going for a few
18:22:3018	A. Correct.	18:24:5918	more minutes.
18:22:3119	Q. Did you ask for it?	18:25:0019	MR. SLONIM: I appreciate that.
18:22:4120	A. I did not know of it.	18:25:0320	THE WITNESS: I haven't tallied up my hours on
18:22:4321	Q. Are you aware that Dr. Dougherty has provided	18:25:0621	the Excel spreadsheet for this last week. I'll be glad to
18:22:4622	a statement with exhibits about claim construction and	18:25:1822	get you the exact hours.
18:22:5123	other aspects of	18:25:1923	Q. BY MR. SLONIM: Without the hours, what did
18:22:5124 18:22:5325	A. Yesterday they told me that essentially what you said.	18:25:2024	you do to specifically prepare for this deposition? A. Okay. I reread the '356 patent and all the
	vou said.	18:25:2325	A. Okay. I teread the 550 patent and all the

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18:25:30 1	file materials which were exchanged with USPO.	18:28:12 1	you understand that to refer to?
18:25:34 2	Q. When was that?	18:28:14 2	MR. SCHATZ: Objection, goes beyond the scope
18:25:34 3	A. When was that?	18:28:15 3	of this deposition and Dr. Godshalk's offered testimony
18:25:35 4	O. When was that?	18:28:19 4	relative to claim construction.
18:25:36 5	A. Primarily over the last seven to ten days.	18:28:21 5	Q. BY MR. SLONIM: You may answer that question.
18:25:44 6	Q. Did you meet with Counsel to prepare for this	18:28:24 6	A. I'd rather not answer it if I'm not required
18:25:47 7	deposition?	18:28:27 7	to at this time.
18:25:47 8	A. I met with them yesterday.	18:28:28 8	Q. Well, I'm posing the question, there is no
18:25:48 9	Q. For how long?	18:28:31 9	instruction not to answer, there is an objection.
18:25:4910	A. Approximately, let's see, I arrived at 1:30,	18:28:3410	A. Mm-hm (affirmative response).
18:25:5411	and I think I left at approximately 5:30, so it would be	18:28:3411	Q. And that's why I would like you to answer that
18:25:5912	four hours.	18:28:3712	question, as I'm sure the Court would like to hear that
18:26:0013	Q. Where was the meeting?	18:28:3913	answer.
18:26:0114	A. The Marriott.	18:28:4114	MR. SCHATZ: I'll object to the frame of the
18:26:0215	Q. And who was present?	18:28:4415	question where you're assuming what the Court would or
18:26:0316	A. Myself and the two counsel members.	18:28:4816	would not like to hear. That's inappropriate and in my
18:26:0617	Q. Mr. Ahrens and Mr. Schatz?	18:28:5217	opinion is an attempt to intimidate the witness.
18:26:0818	A. Yes.	18:28:5718	Q. BY MR. SLONIM: You may answer.
18:26:0919	Q. Nobody else?	18:28:5819	A. I don't have an opinion.
18:26:1020	A. Correct.	18:29:1920	Q. Is it fair to say I'm sorry if I
18:26:1021	Q. Did you call anybody from that meeting?	18:29:2321	interrupted. Did you finish your answer?
18:26:1322	A. No.	18:29:2422	A. That's fine.
18:26:1423	Q. Did anybody call in?	18:29:2623	Q. Would it be fair to say that if, as you've
18:26:1524	A. No.	18:29:2924	acknowledged, Claim 1 does not have a phrase "ceramic
18:26:1625	Q. If you could, the last question, if you could	18:29:3225	body", and the phrase "the ceramic body" in Claim 18 cannot
	5 065		
	Page 267		Page 269
18:26:25 1	turn to Claim 18 in the '356 patent	18:29:38 1	Page 269 refer to anything that's in Claim 1?
18:26:25 1 18:26:28 2	_	18:29:38 1 18:29:39 2	_
	turn to Claim 18 in the '356 patent		refer to anything that's in Claim 1?
18:26:28 2	turn to Claim 18 in the '356 patent A. Okay.	18:29:39 2	refer to anything that's in Claim 1? MR. SCHATZ: Objection, outside the scope of
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18:26:28 2 18:26:28 3 18:26:33 4 18:26:37 5 18:26:41 6	turn to Claim 18 in the '356 patent A. Okay. Q. And we haven't done anything with that claim, and I just have two or three questions about it. When the Claim 18 says, "The capacitor of Claim 1 wherein the ceramic body comprises," what is your	18:29:39 2 18:29:42 3 18:29:49 4 18:29:50 5 18:29:52 6	refer to anything that's in Claim 1? MR. SCHATZ: Objection, outside the scope of this deposition, and again, it's beyond what the offered opinions of Dr. Godshalk are. Q. BY MR. SLONIM: Based on your considerable amount of review of the patent and Claim 1 and the
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18:26:28 2 18:26:28 3 18:26:33 4 18:26:37 5 18:26:41 6 18:26:47 7 18:26:52 8 18:26:56 9 18:27:0510 18:27:0711 18:27:1112 18:27:1313 18:27:1314 18:27:2215 18:27:2616 18:27:2917 18:27:3218 18:27:3319 18:27:3620 18:27:3621	turn to Claim 18 in the '356 patent A. Okay. Q. And we haven't done anything with that claim, and I just have two or three questions about it. When the Claim 18 says, "The capacitor of Claim 1 wherein the ceramic body comprises," what is your understanding that the term the ceramic body refers to? MR. SCHATZ: I'm going to object as that line of questioning goes beyond the testimony that Dr. Godshalk has offered, and this is not a claim term that's been a part of claim construction, so it, by definition, goes beyond the scope of the deposition. Q. BY MR. SLONIM: You may answer. A. Yeah, I have not had an adequate time to prepare an answer on that claim item. I didn't know, did not know that I would be questioned on it, so I think it would be foolish for me to make a statement on it at this time. Q. If you could look in Claim 1 A. Okay. Q. Do you see the word "ceramic", with the phrase	18:29:39 2 18:29:42 3 18:29:49 4 18:29:50 5 18:29:57 6 18:29:57 8 18:29:57 9 18:29:5810 18:30:1511 18:30:2212 18:30:2913 18:30:3915 18:30:3916 18:30:4117 18:30:4118 18:30:4219 20 21	refer to anything that's in Claim 1? MR. SCHATZ: Objection, outside the scope of this deposition, and again, it's beyond what the offered opinions of Dr. Godshalk are. Q. BY MR. SLONIM: Based on your considerable amount of review of the patent and Claim 1 and the constructions, would that be a fair statement, in your expert opinion? MR. SCHATZ: Same objection. THE WITNESS: I don't have an opinion at this time how the term "ceramic body" relates to the claims in Claim 1. I don't see the significance of it at this moment. MR. SLONIM: Okay, let's leave it at that. THE WITNESS: Okay. MR. SLONIM: Thank you, Dr. Godshalk. THE WITNESS: Thank you. MR. SLONIM: I appreciate it.
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18:26:28 2 18:26:28 3 18:26:33 4 18:26:37 5 18:26:41 6 18:26:47 7 18:26:52 8 18:26:56 9 18:27:0510 18:27:0711 18:27:1112 18:27:1313 18:27:1314 18:27:2215 18:27:2616 18:27:2917 18:27:3218 18:27:3319 18:27:3621 18:27:3621 18:27:3922	turn to Claim 18 in the '356 patent A. Okay. Q. And we haven't done anything with that claim, and I just have two or three questions about it. When the Claim 18 says, "The capacitor of Claim 1 wherein the ceramic body comprises," what is your understanding that the term the ceramic body refers to? MR. SCHATZ: I'm going to object as that line of questioning goes beyond the testimony that Dr. Godshalk has offered, and this is not a claim term that's been a part of claim construction, so it, by definition, goes beyond the scope of the deposition. Q. BY MR. SLONIM: You may answer. A. Yeah, I have not had an adequate time to prepare an answer on that claim item. I didn't know, did not know that I would be questioned on it, so I think it would be foolish for me to make a statement on it at this time. Q. If you could look in Claim 1 A. Okay. Q. Do you see the word "ceramic", with the phrase "ceramic body" anywhere in Claim 1?	18:29:39 2 18:29:42 3 18:29:49 4 18:29:50 5 18:29:55 7 18:29:57 8 18:29:57 9 18:29:5810 18:30:1511 18:30:2212 18:30:2913 18:30:3915 18:30:3916 18:30:4117 18:30:4118 18:30:4219 20 21 22	refer to anything that's in Claim 1? MR. SCHATZ: Objection, outside the scope of this deposition, and again, it's beyond what the offered opinions of Dr. Godshalk are. Q. BY MR. SLONIM: Based on your considerable amount of review of the patent and Claim 1 and the constructions, would that be a fair statement, in your expert opinion? MR. SCHATZ: Same objection. THE WITNESS: I don't have an opinion at this time how the term "ceramic body" relates to the claims in Claim 1. I don't see the significance of it at this moment. MR. SLONIM: Okay, let's leave it at that. THE WITNESS: Okay. MR. SLONIM: Thank you, Dr. Godshalk. THE WITNESS: Thank you. MR. SLONIM: I appreciate it.

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	CERTIFICATE			
	I, Marcia May, an Oregon Certified Shorthand Reporter,			
	do hereby certify that, pursuant to the Oregon Rules of			
	Civil Procedure, EDWARD GODSHALK, PhD., personally a	ppeared		
	before me at the time and place mentioned in the caption	*		
	•			
	herein; that the witness was by me first duly sworn on oath			
	and examined upon oral interrogatories propounded by			
	counsel; that said examination, together with the testimony			
	of said witness, was taken down by me in stenotype and			
	or said writess, was taken down by the in stenotype and			

transcribed through computer-aided transcription; and that the foregoing transcript constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other oral proceedings had during the taking of said deposition, and of the whole thereof.

Witness my hand at Vancouver, Washington, this 19th day of March, 2008.

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LNS COURT REPORTING (503) 299-6200 ** (800) 366-6201 Godshalk Deposition Exhibit 6

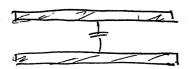


Figure A. Parallel Plate Capacitor

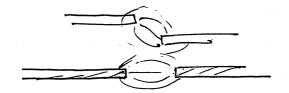


FIGURE B. Fringe "Gap" capacitor

